SENATE—*Thursday, June 4, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. Today's prayer will be offered by our guest chaplain, the Reverend Harry L. Seawright, pastor of the Union Bethel African Methodist Episcopal Church in Brandywine, MD.

PRAYER

The Reverend Harry L. Seawright, pastor, Union Bethel African Methodist Episcopal Church, Brandywine, MD, offered the following prayer:

Let us pray:

Our most reverent Father, our God who is in Heaven, we bow at this moment to give thanks and praise to Your holy name. We pray that Your power will continue to reign throughout our Nation and You will acknowledge our prayers for peace and justice throughout the land. We pray for the unity of Your Spirit, that our hearts and minds will be on one accord. We pray that Your love and strength will prevail as the leaders of this, our Nation seek to bring about a greater sense of unity and strength among Your people. Remind us, dear God, that we are all Your children and You love us one and all; therefore, may Your Spirit knock down the walls of racism and hatred that would attempt to bind and separate us as a people and may the spirit of injustice and inequity be eradicated from our midst. We pray for our President, for our Senators here, as well as other leaders of our Nation who are working every moment to make our Nation what it should be. We pray for our families and those loved ones who are struggling to make ends meet and live in dignity and respect. We pray for those who have given up on life—and pray that laws and solutions will come forth from this Senate that will give hope and resolution to their ills. We thank You God for hearing our many prayers of the past and because of who You are, we know that You will hear our prayer now, and in the future. In Your name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 4, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each. The first hour shall be under the control of the majority leader or his designee.

Mr. GORE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Tennessee.

COMPLIMENTS TO THE VISITING CHAPLAIN

Mr. GORE. Mr. President, may I, first of all, compliment our visiting chaplain. I found his opening prayer most moving and inspiring and I commend it to the attention of those who read this RECORD. I thought it was extremely well done and we appreciate it, all of us.

THE EARTH SUMMIT

Mr. GORE. Mr. President, today the United States Senate will send a bipartisan delegation to the Earth summit in Brazil. The ceremonial opening of the Earth summit occurred yesterday. The business sessions will begin today.

I am honored to be joined by the distinguished Senator from Rhode Island [Mr. CHAFEE] who is the ranking Republican member of this delegation. We have a very strong delegation on both sides of the aisle. We will do our best in representing the Senate and the American people as they look to the Senate to discharge our constitutional responsibility to advice and consent whenever treaties are being negotiated in anticipation, of course, that these treaties will be brought here to the Senate for either ratification or rejection as the Senate sees fit.

This process is one which consciously mimics the observer group that was established to monitor the ongoing arms control negotiations when the START process began. We will be meeting with our counterparts from other countries. We will be meeting regularly and working closely with the negotiators for our Government from the executive branch. The President, of course, speaks for our country in negotiations with foreign countries, and our role is limited to that contemplated in the 200-year-old phrase I used a moment ago, "advice and consent."

Mr. President, as we depart for the Earth summit, we—may I speak for myself alone on this point. I am filled with a sense of great anticipation and optimism because in spite of all the disappointment that many have felt over weaknesses in the documents that have been negotiated for signature at Rio, there is a tremendous sense throughout the world of a new era dawning. Just as conferences at the end of World War II created the United Nations and the Bretton Woods Conference created the world financial system as we know it, just as NATO and GATT and the other institutions of our modern world were created after that tumultuous period of change that came immediately after World War II, in just that same way the Earth summit is the first of many efforts by the global community to reorganize itself in the wake of communism's collapse.

The world is entering a new era because we are leaving the bipolar competition between communism and freedom because freedom has won. American ideas are ascendant throughout the world—self-government, economic freedom, the freedom of speech, freedom of religion.

May I say, as well, I think that this country has an additional mission in the world. We stand for freedom. We also stand in a world torn by racial and ethnic and religious hatred for the proposition is that people of very different backgrounds and traditions cannot only get along but can enrich each other with the tremendous diversity that we can bring to our common purposes. That challenge is particularly evident at the Earth summit in Rio because, of course, there will be 181 nations representing circumstances as widely varied as one can possibly imagine.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

There has been a great deal of discussion about the division between north and south, meaning of course the division between industrial countries relatively better off in the circumstances in which their people live and developing countries which often find themselves in circumstances that include tremendous human suffering on a scale that is unknown in our Nation.

But in spite of the diversity in circles and traditions and ethnicities and religions, the world community is coming together. It will take some time. And it is worth emphasizing that at the beginning of the Earth summit that the Earth summit itself is a beginning, the first step in a long journey toward a new set of arrangements in the world.

I believe that it will soon be apparent that the task of saving the Earth's environment is the new central organizing principle in the post-cold-war world.

Just as the struggle by the West to defeat communism was the organizing principle for democracies in the last half century, leading to efforts to pass all manner of policies and programs and initiatives—partly because they served that organizing principle, advancing freedom and defeating communism—in the same way, we will soon see the emergence of a common effort throughout the world to advance policies in each nation that will serve this new principle of healing the relationship between human civilization and the Earth's environment.

It is about people, because people will suffer unless we heal this relationship to the Earth's environment. And in order to heal the relationship we have to recognize the new terms of the relationship.

Rapid population growth leading to an additional number of people equivalent to the entire population of China every 10 years—that is the first of three dramatic changes in the terms of our relationship to the Earth's environment. The second represents a change just as dramatic as the population explosion: the scientific and technological revolution which is expanding and magnifying our power to have an impact on the Earth's environment, with technology like chlorofluorocarbons. Even internal combustion engines, when multiplied by the many billions who use them, now give us the capacity to have a tremendous impact on the Earth's environment.

The third and final cause of this dramatic change is the most subtle but the most significant, and that is our way of thinking; specifically, an assumption that we are somehow separate from the rest of nature and that what we do has no significant consequence for the Earth's natural systems. It is that way of thinking which is the principle target of the world's efforts at the Earth summit now beginning.

We must now conceive of ourselves as part of the Earth's ecological system, responsible for our actions, with a moral obligation to others with whom we share our lives and others in future generations who will inherit the Earth's environment when we pass it on to them.

This conference will, I predict, be looked back upon when it is over as a tremendous success, if for no other reason than because the attention of all the world's nations and peoples has been focused on the same subject at the same time in the same place. And the results will, almost inevitably, be a change in that way of thinking about our relationship to the Earth's environment and our obligation to the future.

I want to concentrate now, briefly, on the specifics of the documents that we will be paying attention to and monitoring while our delegation is in Rio. There are two treaties which have been negotiated. The first is the climate change treaty. The second is the biodiversity treaty. Although both have been completed, there are ongoing discussions about some items in the biodiversity treaty. And, of course, there are already discussions about ways to strengthen the climate change treaty which was greatly watered down prior to its completion.

In addition to these two treaties there is a statement of principle still being negotiated with respect to the protection of forests on the Earth. There are negotiations ongoing on a document known as the Rio Declaration, a statement of principles about the relationship between humankind and the Earth's environment, and ongoing negotiations about Agenda 21, a list of actions deemed to be advisable as we rebuild this relationship between civilization and the environment.

There are, in the Agenda 21 document, a number of topics that have reached insufficient attention, including the challenge of stabilizing world population which will receive a good deal of discussion in Rio. And as the developing countries have made the rest of the world aware, more attention is needed where the subject of decertification comes up.

In closing let me say that, in my opinion, the Earth summit is about building a brighter future for people here in the United States as well as around the world. We need to recognize now that to allow environmental degradation to continue at the pace we now see is to allow human suffering to build. This is true not only in other countries where some 37,000 children die each day from causes that are very much related to environmental degradation: water pollution, air pollution, soil degradation. It is also true in the United States.

After a seminal 1987 study done by the United Church of Christ Commission on Racial Justice we know that those in our own country who are economically disadvantaged and politically less powerful are much more likely to suffer from the results of environmental degradation. But those who are being imposed upon the most, those who are being asked to bear the biggest burden as a result of our pollution, are those least able to defend themselves, those in future generations. We have a responsibility to recognize that and acknowledge our responsibility to change what we are doing, because what we are doing now degrades the Earth's environment and diminishes our human capacity and human spirit.

The Earth summit affords us the opportunity to break the chains that bind us to a way of exploitation that causes so much suffering for so many. In this historic gathering of so many people from so many backgrounds and diverse points of view, we truly do have an opportunity to chart a new course. Never before have so many come together for the same cause at the same time. We simply cannot allow this opportunity to pass.

We know that being a leader in charting this new course offers tremendous economic opportunities for our country, and we are proud of those business leaders who have paved the way by making profits at the same time that they are charting this new course by building the new products and processes that foster economic progress without environmental degradation.

What we have perhaps not yet fully grasped, however, is the incredible potential of this Earth summit to inspire and motivate. The problem is very large and is looming, but we are anxious for the challenge. It is up to us to seize this truly momentous opportunity, and we will do our best to do so.

Mr. President, before I yield the floor let me compliment my colleague from Massachusetts who is on the floor and who has been a very active, leading Senator in these areas. I look forward to his comments on this subject.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Massachusetts [Mr. KERRY].

A UNIQUE OPPORTUNITY

Mr. KERRY. Mr. President, I thank the distinguished Senator from Tennessee first for yielding the floor but, much more important, I thank him for his extraordinary leadership in this field. As a member of the delegation that is going to Rio, I want to compliment him on the extraordinary agenda and organizational effort he has made. I think the Senate is going to be extremely well represented and well led, both by him and by Senator CHAFEE. But the Senator from Tennessee has gone to greater lengths than most Senators go to, to develop an expertise on this issue and to help this

country understand some of the choices we ought to be making. We are truly all well served by what he has done and is doing.

I think it is not an understatement to say, as Senator GORE has said, that this is a unique opportunity, an extraordinary opportunity, for us to show leadership and to help the public understand the dynamics of what is going on throughout the world.

We often hear the President talk about a new world order, and I regret that I suspect when the President talks about a new world order, he only sees a new world order through the eyes of a World War II veteran and a cold warrior, through the eyes of a generation that really is not fully tuned in to the kinds of shifts in the dynamics of world politics and the ingredients that will make up the international arena of the next decade and into the next century.

We are no longer engaged in an arms race; we are no longer engaged in the same kind of East-West polarization. All over the world, nations are struggling to develop, struggling to develop market economies, struggling to develop our degree of affluence, our level of security and, sometimes dangerously in the face of possible violence from their own authorities, our degree of freedom.

In almost every one of those countries—Czechoslovakia, Poland, Hungary, the former Republics of the Soviet Union—you can see environmental degradation such as we have never seen anywhere else on the face of this planet. In Czechoslovakia, there is an area around their powerplants where you can pick up gray ash in your hand and where there is not even a live bush or tree within 50 miles.

You have Poland, a country which is not going to have any potable water by the year 2000 unless environmental technology is applied to their drinking systems and to their agriculture.

There is not one country in this world you can point to where these kinds of problems do not exist. You can go to China and look at the deforestation around the Yellow River and the flooding that takes place as a consequence of that. We have 40,000 babies a day on this planet of ours who die simply because of waterborne diseases.

I have had the privilege in my role as a Senator of flying over certain territories—the Philippines, Laos, Thailand, Guatemala—and I have seen the most extraordinary deforestation caused by clearcutting which leads to erosion and all kinds of other problems. It is a sorrowful sight to see.

Brazil, where the conference will be held, is one of the prime sites of that kind of destruction. The species that are being destroyed in the process of that destruction will deprive someone of the cure of a disease since so much of our drugs comes from those plants and those species in those forests.

We are literally depriving ourselves of life itself, of sustainable life. That is different from building missiles and plunking them in a hole and looking at some future threat, some future Armageddon. This is, in fact, a kind of ongoing, creeping Armageddon. And here we have nations all over the world coming to Rio saying: Let us get together and get reasonable and discuss this and see what we can do all together as a matter of humanity to try to deal with this.

I am delighted that the President of the United States has decided, after months of indecision—which in and of itself is an extraordinary signal to send in the face of what we are looking at; in terms of choices, that in itself is its own message—but I am delighted he is now going to the global environmental summit which began yesterday.

And in so doing, he is going to join over 100 other leaders of nations, who had already agreed to attend, incidentally, just to signal the difference. Hundreds of other leaders, months ago, said: "You bet I'm going."

But the President, who stands in the well of the United States Congress talking about how great we are, having vanquished Iraq, and how powerful we are as a nation, has been reluctant to use that power and that good will on the global environment. For months, he has delayed, but now finally he says he is going. That, at least, is a symbolic commitment. It is important; I am not going to diminish it. We are glad he is going.

But as Senators will recall, on April 7 of this year, we approved a resolution calling on the President to take the lead in assuring that the Rio summit would be a success. That concurrent resolution was agreed to by a vote of 87 to 11, demonstrating a strong bipartisan commitment in support of U.S. participation and leadership in the summit. I would like to think that its adoption served as something of a wake-up call to the President, a sign that concern about this issue was deep and broad and not about to go away.

But the demands of leadership, or even the definition of leadership, are not met by a symbolic trip. I well suspect that the President's journey to Rio may be more like his recent journey to Japan than the kind of trip it should have been, exhibiting international leadership with respect to these issues.

It is the President's policies, not his presence in Rio, that will be at issue. And it is those policies that will affect the health and the stability of this planet in future years.

I think, unfortunately, the Senator from Tennessee and the rest of us who are part of this delegation are inheriting an unwanted mantle in going to Rio, because the lack of United States leadership on this issue now places upon the U.S. Senate delegation the burden of convincing many of the leaders of these countries and many of their delegations that the policies of the administration and the President do not accurately reflect the desires and goals and aspirations of the people of the United States of America. And I deeply believe that they do not.

I am convinced that the people of this country want a more aggressive effort to deal with these kinds of issues and are willing and desirous of having the leadership that will help us get there.

The American people understand, even if the President does not, what a great opportunity for real accomplishment this summit represents. The American people understand, even if the President does not, that the distinction his own administration has drawn between economic growth and environmental health is a false distinction and that we can have both and we must have both.

Part of this conference is an exhibit of environmental technologies by countries all over the world. I am proud that Massachusetts is going to be well represented in those environmental technologies. In recent months, I have been meeting with groups of environmental companies in Massachusetts who now represent a job base of some 30,000 people, bigger than biotechnology, a job base that will grow faster than many other high technologies, a job base that offers the capacity for real growth to put people back to work in Detroit, in Washington, in south central Los Angeles, in Miami, and all over the rest of this country.

There are countless jobs to be created in America designing and manufacturing and marketing the products that we can sell to other countries that want to develop but want to do so in an environmentally friendly fashion.

Where is our leadership on that? We keep talking about competitiveness and technology. MITI and Japan are going to have an enormous display and all you have to do is read some of the statements that have been made in recent months by Japan and by observers of the business scene and you will see the aggressiveness with which the Japanese have targeted the environmental sector as an area of growth for the future. They are there; they are in those Eastern European countries. They are in Southeast Asia. They are traveling the world, pulling in the contracts of the future in order to guarantee that they will have a transitional economy.

We, on the other hand, are fighting the prospect of going to the conference, and are failing absolutely to take the lead.

I think the American people understand, even if the President does not, that the threat of ozone depletion, of climate change, of deforestation, of ocean and fresh water pollution, and of

uncontrolled population growth are not theoretical; they are real. And if we do not respond to them, if we sit on our hands and ridicule those who propose solutions, those problems will steadily degrade our quality of life, and they will endanger our security and place an intolerable burden and cost on the health and well-being of the people of our country and future generations, the people on whose behalf we are supposed to act.

It is no secret that many Americans have been disappointed over the past months by the attitude that some in the administration have had toward the UNCED conference. Instead of viewing it as a rare opportunity to accomplish a goal, they have treated it like a continuing damage control exercise that they had no choice but to endure.

On issue after issue—and the Senator from Tennessee knows this better than anybody because he has been following these negotiations closer than any of us and he has been in New York and talking with the people—the U.S. negotiating position has been to weaken language, to substitute generalities for specifics, guidelines for binding schedules, vague promises for firm commitments, and we seem to have taken the lead not in trying to break through the obstacles to global cooperation but rather to paper them over and to achieve not the strongest possible set of agreements but, rather, a set of least-common-denominator agreements designed to produce the appearance of doing something while minimizing the reality. And nowhere has this tendency been more visible or more damaging than our leadership, so-called, in the area of global warming.

The resolution approved overwhelmingly by this Senate urged the President to support an agreement that would, if implemented, actually reduce the threat to the environment posed by global climate change. We were looking for more than a commitment to research or to vague and indefinite timetables. We were looking for a firm commitment to action, to pollution reduction, to progress.

I know that some question the reality of the threat posed to us by global climate change. They state, accurately, that there is no scientific unanimity on the subject. Well, Mr. President, if scientific unanimity were the standard we were to apply to every environmental issue, we would never take action on anything. Over the past decade, I can recall scientists telling committees on which I served that acid rain was not really happening; that offshore oil drilling was good, not bad, for fish; that nuclear power plant accidents essentially could not happen; that action on ozone depletion would be premature and even that smoking has not been proven—not really proven—harmful to our health.

Well, I am not a scientist, but I do know that we are pumping 24 billion tons of carbon dioxide into the atmosphere every year and that, unless we act, that amount will rise by 50 percent within the next 25 years. I know that serious scientists have predicted that global warming could disrupt agricultural patterns, threaten our water supplies and—through sea level rise—devastate our coasts. I know that the union of concerned scientists, in a statement signed by 49 Nobel laureates and 700 other distinguished scientists, called climate change "the most serious environmental threat of the 21st century." And I know that the National Academy of Sciences has testified before Congress that—notwithstanding the scientific uncertainty that exists—we ought to act and act now to provide "an insurance policy for our planet."

The administration's hesitancy on this issue has been justified on economic grounds. It is said that we should not commit ourselves to anything that would limit economic growth. Studies have been cooked up to demonstrate the allegedly disastrous impact of stabilizing CO_2 emissions at 1990 levels. But those studies were based on two assumptions: First, that our economy will expand at a rate far in excess of most other predictions; and second, that our country will do virtually nothing to conserve fuel and electricity between now and the end of the decade.

The National Academy of Sciences, on the other hand, estimated more than a year ago that we could reduce greenhouse emissions by 10 to 40 percent from 1990 levels at little cost—or perhaps a net savings—through conservation and the use of renewable fuels. Even the administration now admits that we can maintain CO_2 emissions at no cost to the economy. Despite this, the administration continued to oppose—and succeeded in preventing—an international convention that would have included binding commitments on this point.

Mr. President, I believe that the failure of the administration to lead on this issue is a serious mistake. America is—because of the size of our economy—the leading emitter of greenhouse gases, including carbon dioxide, there is no way we can expect other countries to act, at potential risk to their own economic growth, if we do not act ourselves.

The Rio summit provided an opportunity to establish a precedent for controlling emissions of greenhouses gases that could ultimately have been applied not only to developed nations, but to less-developed nations, as well.

That is, Mr. President, absolutely essential to our national interest. Consider our future if we do not act. Consider the prospect of entering the next century with world population growing at a rate of 100 million people a year and no constraints on the release of CO_2.

Consider the possibility of a continual, year by year, increase not only in the amount of greenhouse gases already accumulated in the atmosphere, but in the rate at which that accumulation is increasing.

Consider the possibility, the very real possibility, that 10 or 20 or 30 years from now we will achieve that long-sought scientific consensus only to find that the consensus is that global climate change is real, deadly and irreversible—all because at Rio in 1992 we failed, as a direct result of U.S. policy, to get it under control.

Mr. President, if we have learned anything over the last few years, it is that there is a cost attached to putting off hard choices, not just a monetary cost—although there is often that and the American people deserve better than that—but there is an extraordinary cost in terms of the quality of life, the well-being and health of our citizens, and over time it gets more difficult and more complicated to solve some of these problems and to make real progress. You can look at any of these developing countries. If they do not move to CFC-free refrigeration capacity, then what happens when China or other less-developed nations of huge populations suddenly start buying the very products that we know create this problem?

These are real choices. It seems to me that we are owed something more than simply a process of delay. We are also owed a better understanding of economics. This country has been built on technology advances. Seventy-five percent of the productivity increases in America since World War II have come from technology advances. We put $80 billion a year of Federal money into research and development, but 60 percent of it is still going into defense. If that were reversed and that 60 percent were now going into environmental technology, alternative fuels, renewables, all of the kinds of things that we need in order to make products environmentally friendly, we would be far better off. If the President were to begin to lead this country in that direction, I think the American people would feel a lot more confident about their future.

The Rio summit provides the best chance since the Stockholm Conference 20 years ago to make progress, not only on global warming but on the full range of environmental and natural resource issues. It is a chance to design a strategy to encourage economic growth, using methods that will preserve and enhance our environment rather than simply consume natural resources and ultimately reduce our capacity for future growth. I think it offers a chance to do something genuinely good and right by the next gen-

eration and those after that and also by those other countries that are looking to us for leadership.

Although the President has obviously been engaged in some sort of political balancing act on this issue, trying to weigh the pros and cons with the election in mind, the fact is this is not a partisan question. Both parties have champions of the environment, and certainly there are many in the administration at the working level who have endeavored to influence U.S. policy and to make the Rio summit a success. Certainly the desire for a healthy and stable environment is a universal desire.

I had hoped that the President by now would have reached the moment in his calculations where a decision for real action would have been taken. So I go to Rio with the Senator from Tennessee and the Senator from Rhode Island and others with the hope that we can communicate to the rest of the world that these issues are not secondary to us, that this is not somehow something we look at merely in political terms, but that there are many of us in this country dedicated and committed to the notion that these choices are the most important choices we have on the table; that you cannot talk about international trade policy today without also talking international environmental policy; you cannot talk about marketing products abroad without talking about what the impact of those products will be; you cannot talk about joint international security today without environmental implications as we saw from the Kuwaiti oil fires. There are countless ways in which we are now linked inextricably to each other, in ways that redefine sovereignty to a degree that challenges us to think outside our nationalistic tendencies and inside of a whole new paradigm of international consequences and choices.

I think we need leadership, Mr. President, that is going to begin to offer those choices to the American people, and no greater opportunity could have been presented to us than a moment when you have an Earth summit, the second one in 20 years, with leaders from all over the world. What a chance. It is not too late. My hope is that the President will lay that kind of agenda out still and that the people of this country will be able to be proud of the leadership that this Nation offered in trying to create a true new world order, not simply a rhetorical phrase that seems to sound good but in reality grows out of a mindset locked in the past.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 1872 MINING LAW

Mr. REID. Mr. President, it was recently pointed out on the floor of the Senate within the framework of a reference to the mining law that the people "of this country are very angry, and, furthermore, that they may be angry about the wrong thing."

I could not agree more. I agree that they are angry, and I think I know why they are angry. I believe they are angry because they are losing their jobs; along with the job loss, the right to provide a decent quality of life for themselves and their families.

Just as they are angry over the loss of the jobs, they are also sick and really tired of Members of Congress attacking a successful business with proposals for legislative overhaul.

It seems that when we have a successful group of businesses in this country we figure out a way to attack them. I can remember during the era of the corporate takeover that the only businesses that were attacked for corporate takeover were the successful businesses and generally speaking, if they were not ruined, they were dramatically affected. Well, I am going to talk today about a successful business. The successful business about which I will speak is mining.

We have calls periodically for overhauling legislatively the mining law. This presents the mining industry with the specter of job loss, and an insufficient means of dealing with the oppressive economic times we now find ourselves in.

Reforms to the mining law that have been proposed here in Congress by those that are misinformed would do just exactly that—take away jobs, place more people on the unemployment and welfare lines, placing a chilling and debilitating effect on the infrastructure needs of the many small communities supported by the mining industry.

It was also suggested that perhaps the people of this country do not know enough about the mining law, and I agree. In fact, innuendo and half truths that have created the myth about the mining industry that I have seen expressed in various national periodicals and newspapers have generally started on the floor of this body. They have gone a long way to misinform the American people about the realities of the mining industry.

So, Mr. President, I am going to take this opportunity to begin the process of informing the American people about the truth regarding the mining industry in this country. In the next few days I will distribute to Members of this body a booklet that illustrates the many Federal statutes that govern the mining industry, the amendments that have been made to the mining law, the environmental regulations that the mining law is subject to today, and the economic impact of the reform bills that are before Congress.

I would urge each of my colleagues to take a look at this publication that I will pass around because it will provide useful information on a subject that seems to be sorely misunderstood.

It does not address all the issues related to the mining industry, but I will, in future weeks, inform the Members of the Senate about many other related issues that affect the mining industry.

I also am going to follow in the next few weeks with statements on investment, economic issues that affect mining, ownership, patent exploration, and other matters.

Mr. President, I think it important to recognize that the mining industry is important to this country. The mining industry currently employs just over 750,000 people in the United States. The jobs average $590 a week compared to $340 a week in other industries. And mining, which is a private industry, has a multiplier effect. For every mining job created in the mining industry, two jobs can be expected to be created in the service industry. There is a total of at least 3 million jobs in the service industry that support mining accounts. Taxes paid by the mining industry amount to hundreds of millions of dollars a year.

Mr. President, in 1980, the United States imported 80 percent of all of our gold needs. In 1990, 10 years later, we produced enough gold to balance our manufacturing needs, and we are now producing a surplus and we are exporting gold, one of the few industries in this country where we have a net export.

In 1991, that surplus amounted to over $1 billion. There are some who would suggest that we should just do away with mining. I would submit, and I will on the floor of this body as time goes on, the importance of not only having an energy policy—we hear a lot about that—but also the need in this country for safety and security of a minerals policy, which we have not had and which we need to develop.

Mr. President, I brought today a number of charts that have been extracted and reprinted from that handbook that I referred to that each Member of the Senate will get. I would like to spend a little bit of time looking at these charts. When I am finished, I think that everyone will clearly see what has been referred to as this unbelievably outrageous legislation passed and signed by Ulysses Grant and which is still on the books is, in fact and in reality, a law which has been amended numerous times.

Mr. President, we have acknowledged that the general mining law did pass and was signed by Ulysses Grant. We have heard such statements on this floor. Is it not about time we did something about it? Is it not about time we amended this law? This law has been amended numerous times. It is the 1872 mining law, as amended dozens of times. It was amended in 1875, 1880, and 1891. In 1891 there was provision set up for protection and compensation for surface improvements.

This part of the mining law was totally replaced in 1976 by the famous FLPMA law, that law that does a great deal in controlling what goes on in this country on the surface of the public land.

There were amendments in 1897 and 1902. In 1904, there was an amended description of vein claims and the use of monuments on the ground to govern conflicting claims. These deal with unpatented claims. The 1872 law covers that.

Growing up in a mining State, as I did, I can remember looking at the location monuments, which were little stacks of rocks, and normally in these monuments were Prince Albert pipe tobacco cans, and in that would be a description of the claim and who located it. That has been amended since then a number of times as to how you locate claims. You do not have to do it. That is the way it was done when I was a young boy. You no longer have to build the rocks at the corners of the locations. You do it now so there is very little disturbance of the land.

In 1906, the law was amended to authorize the President to establish national monuments. All over the Western part of the United States and other parts of the country, there are national monuments. All these monuments are closed to mineral exploration.

Mr. President, this is one example of how the law has been changed. We have another amendment in 1910. In 1916, one of the most important amendments that affected the 1872 mining law was a law that set up national parks; created the National Park Service, and most of the areas, at that time about 79 million acres, administered by the National Park Service were closed to mineral exploration, period.

We have the newest national park in our system in Nevada, the Great Basin National Park. That was created in 1987. In that park, there is no mineral exploration. That goes back to 1916.

In 1920 and 1921, there were amendments. I note this amendment, because this was one of numerous changes to the 1872 mining law that affected how you do assessment work; that is, you go prove up an unpatented claim, and thereafter you had to do assessment work; that is, work so you could show those coming in later that you were actively working the claim. This has been changed numerous times as to how you report your annual assessment work and in fact how you do it.

There was a 1925 amendment.

In 1938, the law was amended, and again in 1944. In 1947 an important amendment came which removed common variety materials from location. What this did, in effect, was address the many concerns, and rightfully so, about people locating nonessential, nonmetallic minerals, like sand, for example some of the big abuses to the 1872 mining law came prior to 1947. Some of these are still being litigated in the courts. But the law was changed to stop common variety materials from being located. This is something that we are still working on.

There was an amendment in 1949 dealing with assessment works. There were amendments in 1950 and 1954.

In 1955, there was an amendment which prevents claimants use of unpatented mining claims for other purposes than mining and related uses. We are, this year, going to work on the same type of procedure for patent claims; that is, if you locate a claim for mining purposes, you cannot use that claim for any other purpose.

You cannot build a hotel on it. You cannot build a ski resort. This was done with unpatented claims back in 1955. In fairness and justice, Congress set up a system whereby those people who lived on unpatented claims could, if they proved up certain rights, continue living on that, but they had to give up all mineral rights. That was done on one occasion that I am aware of in the Searchlight, NV, area. That is as a result of the law being amended in 1955.

Mr. President, again, in 1955, there were other changes made in the law dealing with power development. If there were developments of power, and you could not do mineral exploration in those areas with few exceptions. Again, in 1958 it was amended. There was another 1958 amendment, and one in 1960.

A most important amendment that affected the 1872 mining law occurred when the 1964 Forest Service Wilderness Act passed. That act restricted mining when wilderness areas were created in the State of Nevada and elsewhere. The last State that I am aware of to complete a general Forest Service Wilderness Act was Nevada. I worked on that 4 or 5 years when I was in the other body and then in this body.

In Nevada, we established about 1 million acres of Forest Service wilderness, areas that were to be maintained in their pristine state, areas that would be left to my children and my children's children in their primitive state.

The reason that is important, Mr. President, is that in those areas it was said you cannot mine anymore. There were a few instances where they could go ahead, under certain strict conditions, and continue working there. But, generally speaking, in wilderness areas, you cannot do any mining. That affected approximately 1 million acres in the State of Nevada. And many, many other States were similarly affected. For example, we will find as we go through this chart, Alaska had a lot more land than Nevada affected by wilderness where you simply could do no mineral exploration.

In 1964, there were other amendments. In 1965, there was an amendment. There was a 1966 amendment dealing with the national historic preservation.

Mr. President, the National Wildlife Refuge System was established in 1966. This withdrew about 87 million acres of land in the Western United States without mineral entry, again affecting the 1872 mining law. A couple years later, there was the National Trail System. Mineral entry could also be withdrawn in the trail system.

Mining and national parks. We have talked about that. There were other amendments related to that in 1976.

In 1980, 150 million acres were withdrawn from mineral exploration in Alaska. It was done as a result of the Alaska National Interest Lands Conservation Act. Very controversial. But it had an effect on the 1872 mining law. The final amendment was in 1986.

Mr. President, the point of the discussion here today is to indicate a number of things.

First of all, mining in America is important. It affects the lives of millions of people, and we have made progress in the last decade, so that now we are an exporter of gold. And also for those misinformed who come and say, "Why do we not change this ancient law?" Regarding this ancient law, the 1872 mining law, as we have clearly established has been changed many, many times.

We are going to discuss further on the floor of the Senate how there are other laws that have, in reality, changed the 1872 mining law. We have not discussed today at all, all of the many environmental regulations that directly affect the way we extract minerals from the U.S. lands.

These are only Federal laws. We have not touched upon, but we will, some of the State laws that also directly affect the 1872 mining law.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

Mr. WIRTH. Mr. President, I ask unanimous consent to speak for 5 min-

utes in morning business and to have that time not charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 5 minutes.

Mr. WIRTH. Thank you very much, Mr. President.

THE ENVIRONMENT

Mr. WIRTH, Mr. President, as we are all aware the Rio Earth summit opened yesterday, an enormous opportunity for mankind to really define what this new world order is going to be.

As we move away from the cold war and we move away from the confrontation between the superpowers, I think increasingly we are aware of the fact that there is only one remaining superpower and that is, in fact, Earth. In many ways what we have done for the last 20 or 25 years in particular is to declare war on the globe. What the Rio summit is all about is for mankind to get together and say hey, wait a minute, let us slow down this ravaging of our home, let us slow down this ravaging of our future and let us start to think together how we might develop a sustainable future for the rapidly growing population of the state of the globe. How are we going to go about doing this? To get 180 nations together is a remarkable achievement.

This is the most important meeting of world leaders that has occurred in the history of mankind, coming together around a set of issues that we all understand is increasingly important. Probably it is understood more by young people than older people. I am struck by the fact that if first graders could vote in the United States we would probably have a much, much more progressive attitude in this country towards environmental issues than we do today. Certainly, the coming generations are understanding the criticality of this.

I wanted to make a comment on the process as well, Mr. President. I was in New York a couple weeks ago during the last times of the negotiations on the global climate change treaty phase. It was a very trying experience in a quite different way than I expected.

I went there and found that the rest of the world is looking to the United States for very aggressive leadership. The developing countries, the so-called G–77 countries are looking to the United States to lead. The Europeans are looking to the United States to lead. This at a time when we in this country are going through a time of being very down on ourselves. The world is looking to us and saying, hey, you all have the responsibility. You have the opportunity. It was a very confirming time and a very reaffirming sense of being in America and our sense of world responsibility and world leadership.

Unhappily, I do not believe that we are as well as we should be picking up on those leadership responsibilities and requests. I suspect that coming out of this history is not going to treat this administration and the role United States has played very well.

On global climate change, we really dug in our heels in an area in which it is very clear that there are a number of things we could have and should have been doing. Instead, we sort of toned everything down and, I think, adhered more to political pressures than realities of what we ought to do.

On the timber convention, the United States has just not stood up as it should on this. We said to the rest of the world: Do not cut down your rain forest. But we continue the nearly wanton destruction of our own. On the Biodiversity Treaty, we said we are not going to sign up, citing some good reasons relating to intellectual property rights, but not developing a negotiation status where we could sign, where we would get something back in return for more flexibility.

I hope, as we move into Rio and then come out of this, that the fears that many have about the recalcitrance of the United States will not be well-founded. I hope, and I said to people in New York that I thought that this was just a start. It could have been more of a running start, but at least we are all there, at least a process is beginning.

And maybe the parallel between the Chlorofluorocarbon Treaty, which occurred in Montreal, will be a good one. That started with an international discussion, I believe, in Austria, and moved from there to the final very, very good treaty that the whole world adhered to. Let us hope that we have that same kind of process on global climate change, on biodiversity, on timber, and on all of the other issues we have to face.

Mr. President, this is a very, very exciting time for the world. We may be finding ourselves turning a corner or going over a watershed, as we say in my part of the country, for now we are going to flow down in a different direction, beyond the old confrontation of the cold war. We are now into a new set of international agreements, politically, economically, socially, in all kinds of fashions. It is a very exciting process.

I look forward, as a Member of the Senate observer group, to being there. We are leaving this afternoon. It should be a time we all value, and I hope we find that the promise of Rio becomes a reality.

Mr. President, I thank you for your recognition, and I yield the floor.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. There shall now be 45 minutes under the control of the Senator from Wyoming [Mr. SIMPSON] or his designee.

The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, as Senator SIMPSON's designee, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

EARTH SUMMIT IN RIO—A CHALLENGE TO THE WORLD

Mr. SYMMS. Mr. President, this evening, 10 of my colleagues and I will be departing for Brazil to participate as observers in the U.N. Conference on the Environment and Development. I am pleased that Senator DOLE asked me to represent him and the Senate in this task. I believe we can take a clear message to Rio.

That message is simply this: The United States of America, with its market-driven economy and respect for private property, is a leader in the environmental movement. Without the entrepreneurial spirit of the United States of America and other democratic capitalist economies, we would not have a chance to win the battle to have a safe, clean environment for our globe.

There is no question, Mr. President, that the solution to pollution is to design new and better technologies to do things in a cleaner, simpler, energy-saving way, and that comes about from capital accumulation, entrepreneurial spirit, and people trying to build a so-called better mousetrap, and do it in the spirit of America and capitalism and seeking ways to do things better and more efficiently. And that is the main driving force that will help us have a cleaner world.

We can be a leader and we are a leader, notwithstanding some of the criticism that I constantly hear from my colleagues on the other side of the aisle that we are not being a leader enough. The reason we can be a leader is because we are able to afford it. But, I want to say this, Mr. President, I do not believe the American people want us to subsidize the environmental movement around the world.

As Edward Mortimer said yesterday in his column in the Financial Times, the more one thinks about it, the clearer it is that the financial resources so badly needed for global environmental cleanup "are not going to be available unless there is rapid economic growth throughout the world, and the only stimulus likely to accelerate world growth is expanding world trade."

We simply cannot have it both ways. If we are going to have a clean environment, we have to have a strong economy.

However, much of the discussion, negotiation, and decisionmaking leading up to the Earth summit has been based on the command and control philosophy of Government.

The command and control philosophy of Government has been a dismal failure. All one has to do is go to those countries that were former Communist bloc countries and you can see where

the environment has been decimated, where the government owned not only the factories that spewed out the fumes, but the land that it spewed it on. There was no one that was concerned about what happened.

As George Will said in his column Sunday, the Third World countries "would rather redistribute the First World's wealth than abandon the statism that is the basis of their power. Statism also is the impediment to their people's prosperity and therefore a cause of environmental injury."

History has shown us that command and control approaches to managing the environment have been tested, and they failed. The former Soviet Union and those nations which were members of the East bloc are environmental catastrophes and indisputably demonstrate that socialist management fails to care for the world's natural resources.

I believe we have an obligation to the people we represent, and those are the American taxpayers. In Rio, and beyond Rio, we must recognize the direct and positive relationship between economic, technological and scientific betterment and the quality of the environment. It is a partnership where environmental responsibility and economic growth go hand-in-hand.

What lies ahead of us is one of the greatest challenges of our time because we have allowed ourselves to be influenced by the ecopessimists. In the late sixties it was predicted that we would not be able to prevent large-scale famines and that the battle to feed humanity was already lost; but since 1968, world grain production has increased 60 percent. For 30 years, world excess food stocks relative to consumption have grown faster than population. In the seventies it was global cooling and a predicted approach of a full-blown 10,000 year ice age. And now, some of the same scientists who predicted global cooling are now warning of impending doom and global warming.

So let me close by adding this: Sound objective science should be central to any policy we set or action we take to care for our natural resources. We must not rely on the latest fad prediction. We must recognize that resources must have value attached to them so that individuals have the incentive to care for them. Scientific facts, economic realities and impacts on humans should be the critical components of our decisionmaking process.

Mr. President, I think one other thing that needs to be emphasized over and over and over, and that is the private ownership part of the United States believes that it is part of our heritage to own private property. That has been one of the driving forces of economic growth and development and the preservation of a good environment. And without that, no country will be successful in protecting the environment.

It has been true all across Eastern Europe; in the former Soviet Union. If you go to Brazil and go to the Amazonia, you will see the big status, government-financed project, financed by the Latin American Development Bank, financed by the World Bank, much of that money coming from the taxpayers of the United States that have provided the capital to clear off millions of acres of the Amazonia, done by government planners in Brazil who decided that they should build a huge city up in Brazil and force people to move from along the seacoast, where they wanted to live, to force them to move up to Brazilia, and then on out to settle their so-called western expansion into the Amazonia.

Government planning oftentimes is the worst solution to solve problems. And the best solution to solve these problems is private ownership and allowing people to own something so they can preserve it and protect it, and allowing them an entrepreneurial environment of profit and loss economy so that they have a motivation to design new and better things, so that they will come up with the designs and the technologies that make more affordable uses of energy. And it makes a better profit system in the conservation. Therefore, you have a better environment.

Mr. President, I want to say one other thing, then I will yield to my colleague from Wyoming.

A lot of people are criticizing the President because he appears to be dragging his feet in going into some of these agreements. He is absolutely right to be hesitant in order to make sure that sound science is what we get ourselves into, not some pie-in-the-sky agreement that, if we sign on to it, we find will jeopardize the economy of the United States of America and help those other economies.

What do the Japanese lose, for example, if they have to give up the burning of more coal? Not much, because they have not much coal. What do the Western Europeans give up? Not much, because they do not have much. And they live in smaller areas, more suitable for mass transportation.

We have a different situation. The best thing we can do in this country to help preserve, long-term, a good environment for the globe is to see that the United States of America has a good, strong growth economy and more trade with these countries so they can have a good, strong growth economy. Then we will be able to afford a better environment and we will have the capital base and scientific base to know what we are doing.

It is interesting to note that, with all the hysteria we watch now on television stations about global warming, just recently a group of scientists came out and said that the Pinatubo volcanic eruption in the Philippines will offset all of the carbon gases released by the human race since the industrial revolution. It will offset it and cool off the globe by 2 degrees. So I think we should stand back, not jump onto the first hypothesis that somebody comes by with, be careful about this, take note of what the environmental risks are, what the economic risks are, and in what way the United States can be the leader. We are the country that will be able to set a standard for the rest of the world.

I think we cannot do it without a strong, healthy economy. We should look to that. Then we can have an environmental protection policy and we can also have jobs and raise our families.

I have to say one other thing in closing. When I hear our colleagues talking about how we are recklessly cutting down our forests, I say, when you compare temperate forests with Amazonia, that is like comparing apples and oranges. The best way you can help the world with the temperate forests like those in Alaska and the United States is to harvest the old dead and dying trees, older mature trees, and get new trees growing so they have a rapid growth rate and become a carbon sink. If you leave old forests out there and think you are helping the environment, it is a joke. What happens is either they will burn up rapidly and put out carbon, like the Yellowstone fire, or they will do it in a slow fashion when they rot with disease and die, and they put out slow carbon and they do not sink carbon.

So I think we should not continually sell ourselves short as Americans. We have a record that no other nation, I think, can match in terms of economic growth and development and respect for our environment. And a lot of it is based on the fact that people own something in this country. The respect for private property has been one of the mainstays in the protection of the environment.

Mr. President, how much time do we have left?

The PRESIDING OFFICER. The Senator from Wyoming, under the designation of the Senator from Idaho, has approximately 33½ minutes.

Mr. SYMMS. Mr. President, I yield such times as the Senator from Wyoming [Mr. WALLOP] would like, and designate Senator NICKLES to be the designate of Senator SIMPSON.

The PRESIDING OFFICER. The Senator from Wyoming is recognized—for how long?

Mr. SYMMS. For such time as he may need.

THE SCIENCE OF RIO

Mr. WALLOP. Mr. President, the world is watching this week as its leaders rush off to Rio, either physically or electronically, to observe the Earth summit.

For some, it will be the global version of Woodstock—but rather than

promoting a counterculture to save the world, they advocate a new ecoculture. Relying on a philosophy that borders on the mystical, they argue that we are destroying our planet due to the economic progress of the developed countries. The answer is a green version of socialism. Centralized planning did not disintegrate when the Berlin Wall collapsed, or on Christmas day last year when the Soviet Union collapsed, it merely adopted a new guise. Twenty years ago, the proponents of a new society used the peace symbol of Woodstock. Now, they have the Earth symbol in Rio.

Mr. President, no one doubts there are serious environmental problems confronting the global community. The Rio conference will focus much attention on oceans and forestry policies, on soil erosion, and on sustainable development. There are also solutions to our real environmental problems. But they are, as my colleague from Idaho just suggested, solutions to be derived by accurate science, by technological progress, and by economic growth.

However, the language of the Earth charter, and the Declaration of Principles, relies on ideological posturing. The documents ignore the possibilities of market-oriented solutions. In fact, they deny them. A careful reading of the documents and arguments of the Rio crowd reveals that they have two principal objectives.

First, they want to create new wealth transfer programs from the developed countries to the developing countries. Second, they want to control our economic development through the subterfuge of such rhymes as targets and timetables. The mechanism for promoting this agenda is the argument over global climate change. I have discussed this issue at length previously. I would just note today that the scientific community is unanimous in the opinion that the scientific evidence on climate change is still more guesswork than fact. It will be another decade before we will have sound scientific evidence on whether the climate is warming due to greenhouse gases. This is from hearings just completed the Senate Energy Committee. Current policies proposed by this administration—and included in the National Energy Security Act—will provide the necessary insurance against any adverse climate change in the immediate future. They will, for example, have frozen U.S. carbon dioxide emissions at 1990 levels, without having gone to the confines of the treaty.

But there are other problems with what is happening in Rio. For instance, take the Declaration of Principles. Principle 23, even manages to promote the objectives of the Palestinian Liberation Organization against Israel. This is not the way to solve the problem of global climate change.

One of the most irritating aspects here on the floor of the Senate and in the Rio conference is that much of the environmental debate is driven by emotion rather than science.

If you can terrorize a sufficient number of Americans, you can cloud their judgment, goes the reasoning.

Several days ago, 218 among the world's most notable scientists, 46 of them Americans, including 27 American Nobel Prize winners, issued the Heidelberg appeal.

Mr. President, I ask unanimous consent that, at the conclusion of my remarks, the Heidelberg appeal of these 218 scientists be printed in the RECORD as it was drafted.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WALLOP. This was the declaration pleading that those in charge of our planet's destiny not make decisions which are supported by pseudo-scientific arguments or false and nonrelevant data. This appeal is a powerful indictment of the philosophy which has driven much of the debate on global climate change, biodiversity, and other environmental issues at Rio. It is not an accident that these 218 noted scientists in the world came to the conclusion that they should speak out lest others use Rio's scientific consensus in their attempts to terrorize the world.

As the debate on global environmental issues proceeds, I urge the Senate to pay heed to this Heidelberg appeal.

The President of the United States has proceeded with caution. The position of the United States at Rio is in keeping with the counsel of the Heidelberg declaration. Americans should view that with pride as America leads the world. Neither we, nor any other country in the world, has such wealth that we can afford to divert our efforts from actions to achieve real results for the satisfaction of the emotional tirades of false fears, created solely for political purposes.

Mr. President, I yield the floor.

EXHIBIT 1

BEWARE OF FALSE GODS IN RIO

(Forty-six prominent scientists and intellectuals in the U.S., including 27 Nobel Prize winners, have joined 218 scientists in other countries in an appeal to the heads of state attending the Earth Summit in Rio this week. They call their petition the Heidelberg Appeal, after a conference held in Heidelberg, Germany, in April on hazardous substance. The full text is below, followed by the names of U.S. signers.)

The undersigned members of the international scientific and intellectual community share the objectives of the "Earth Summit," to be held at Rio de Janeiro under the auspices of the United Nations, and support the principles of the following declaration.

We want to make our full contribution to the preservation of our common heritage the Earth.

We are however worried, at the dawn of the twenty-first century, at the emergence of an irrational ideology which is opposed to scientific and industrial progress and impedes economic and social development.

We contend that a Natural State, sometimes idealized by movements with a tendency to look toward the past, does not exist and has probably never existed since man's first appearance in the biosphere, insofar as humanity has always progressed by increasingly harnessing Nature to its needs and not the reverse.

We fully subscribe to the objectives of a scientific ecology for a universe whose resources must be taken stock of, monitored and preserved.

But we herewith demand that this stocktaking, monitoring and preservation be founded on scientific criteria and not on irrational preconceptions.

We stress that many essential human activities are carried out either by manipulating hazardous substances or in their proximity, and that progress and development have always involved increasing control over hostile forces, to the benefit of mankind.

We therefore consider that scientific ecology is no more than an extension of this continual progress toward the improved life of future generations.

We intend to assert science's responsibility and duties toward society as a whole.

We do however forewarn the authorities in charge of our planet's destiny against decisions which are supported by pseudo-scientific arguments or false and non-relevant data.

We draw everybody's attention to the absolute necessity of helping poor countries attain a level of sustainable development which matches that of the rest of the planet, protecting them from troubles and dangers stemming from developed nations, and avoiding their entanglement in a web of unrealistic obligations which would compromise both their independence and their dignity.

The greatest evils which stalk our Earth are ignorance and oppression, and not Science, Technology and Industry whose instruments, when adequately managed, are indispensable tools of a future shaped by Humanity, by itself and for itself, overcoming major problems like overpopulation, starvation and worldwide diseases.

Bruce N. Ames, director, National Institute of Environmental Health Sciences Center, Berkeley;

Philip W. Anderson, Nobel (Physics), department of physics, Princeton;

Christian B. Anfinsen, Nobel (Chemistry), biologist, Johns Hopkins;

Julius Axelrod, Nobel (medicine), Laboratory of Cell Biology, National Institute of Mental Health;

Samuel H. Barondes, Langley Porter Psychiatric Institute;

Baruj Benacerraf, Nobel (Medicine), National Medal of Science, Dana-Farber Inc.;

Hans Albrecht Bethe, Nobel (Physics), Newman Laboratory of Nuclear Studies, Cornell;

Nicolaas Bloembergen, Nobel (Physics), Harvard;

Thomas R. Cech, Nobel (Chemistry), University of Colorado;

Stanley Cohen, Nobel (Medicine), professor of biochemistry, Vanderbilt;

Morton Corn, director of Environmental Health Engineering, Johns Hopkins;

Erminio Costa, director, Fidia-Georgetown Institute for Neurosiciences, Georgetown Medical School;

Gerard Debreu, Nobel (Economics), professor emeritus of economics, University of California;

Carl Djerrassi, professor of chemistry, Stanford, U.S. Academy of Sciences;

Leon Eisenberg, professor of social medicine, Harvard;

Ivar Giaever, Nobel (Physics), professor of physics, Rennselaer Polytechnic Institute;

Donald A. Glaser, Nobel (Physics), physicist, University of California;

Roger Guillemin, Nobel (Medicine), Whittier Institute;

Dudley R. Herschbach, Nobel (Chemistry), professor of science, Harvard;

Roald Hoffmann, Nobel (Chemistry), professor of chemistry, Cornell;

Jerome Karle, Nobel (Chemistry), chief scientist, U.S. Naval Research Laboratory;

Wen Hsiung Kuo, Department of Sociology, University of Utah;

Abel Lajtha, director, Center for Neurochemistry, The N.S. Kline Institute for Psychiatric Research;

M. Daniel Lane, director, Department of Biochemistry, Johns Hopkins;

Arthur M. Langer, director, Environmental Science Laboratory, Institute of Applied Science, Brooklyn, College;

Yuan T. Lee, Nobel (Chemistry), Department of Chemistry, University of California, Berkeley;

Wassily Leontief, Department of Economics, NYU;

Richard S. Lindzen, U.S. National Academy of Sciences, MIT;

Harold Linstone, professor emeritus of system science, Portland State University;

William N. Lipscomb, Nobel (Chemistry), Department of Chemistry, Harvard;

Brooke T. Mossman, professor of pathology, University of Vermont;

Joseph E. Murray, Nobel (Medicine), professor emeritus of surgery, Harvard;

Daniel Nathans, Nobel (Medicine), professor, John Hopkins;

Robert P. Nolan, Environmental Science Laboratory, Institute of Applied Science, Brooklyn College;

Linus Pauling, Nobel (Chemistry, Peace), Linus Pauling Institute of Science and Medicine;

Arno A. Penzias, Nobel (Physics), Bell Laboratories;

Malcolm Ross, Research Mineralogist, U.S. Geological Survey;

Jonas Salk, professor in International Health Sciences, The Sarl Institute for Biological Studies;

Joseph F. Sayegh, research scientist, N.S. Kline Institute for Psychiatric Research;

Elie Shneour, director of Biosystems Institutes Inc.;

Charles Townes, Nobel (Physics), physicist, University of California;

Harold E. Varmus, Nobel (Medicine), microbiologist, University of California;

Thomas Huckle Weller, Nobel (Medicine), professor emeritus, Harvard;

Elie Wiesel, Nobel (Peace), Boston University;

Torsten N. Wiesel, Nobel (Medicine), President, Rockefeller University;

Robert W. Wilson, Nobel (Physics), head, physics research department, AT&T Bell Laboratories.

COMMON SENSE ON THE ENVIRONMENT

Mr. NICKLES. Mr. President, I yield myself as much time as necessary.

Mr. President, I wish to compliment my colleague, Senator WALLOP, and also Senator SYMMS for their outstanding statements, for what I would say would be common environmental sense. A lot of times we have heard a lot of discussion when we talk about environmental problems, and we come to conclusions that do not make common sense and so I wish to compliment them for their statements and also I wish Senator SYMMS well on his visit to the Rio conference.

Mr. President, I wish to make a couple of general comments. Senator WALLOP talked about the need for science and listening to scientists. I think that is vitally important. There is no question we have some very significant environmental problems throughout the world and the Rio conference, hopefully, will address those problems. At Rio, we will work in a concerted effort with many of our friends across the planet to solve those problems, to work together to share advice and counsel.

We have solved many of those problems in the United States, although not all those problems. We still have some challenges, needless to say. But I think we are decades ahead of many of our countries throughout the world and we can help them, we can assist them, but I do not think we can pay for solving all of their environmental problems.

Frankly, I wish to compliment President Bush because he has shown some restraint in the face of pressure from many people to make a grab for U.S. dollars to pay for world environmental problems, problems that we are not responsible for, problems of which we are not the originators. So, therefore, I do not think that we should be the primary sponsor for solving those problems. I think we can share our experience, we can share our expertise, but, frankly, I think President Bush has shown great wisdom in showing some reluctance to go full scale toward some of what I would say environmental extremists would like for us to do in Rio.

I will mention just a couple of the proposals. One is the Global Warming Treaty regarding which many have been castigating the President because he did not go far enough. I have heard some of our colleagues say, "well, the President gutted the Global Warming Treaty because he would not abide by the idea of having exact timetables of mandating that each country would not have emissions of greater than 1990, even in the year 2000."

I will just tell my colleagues, one, before they make that statement, they should realize what kind of statement that is. If we sign a treaty that says that our country will not have emissions of CO_2 greater in the year 2000 than were emitted in 1990, many people state the only way that we can achieve that goal is through passage of a carbon tax. It is likely that, to be effective, a carbon tax would have to be the equivalent of about $10 per barrel of oil or 25 cents per gallon of gasoline. Very few people have talked about what that would do to the economy. It would certainly raise the price of farming goods.

I see my colleague from Mississippi who has worked so tirelessly in agriculture. If you increase the price of diesel fuel, if you increase the price of gasoline 25 cents per gallon, that will have a significant, negative impact on our economy.

Some European countries, I think 5 out of the 12, have said they might go along with the carbon tax of that amount. Their land area is not nearly so great in Europe as it is in the United States. They have much lower transportation costs. I might add that the Europeans have said they would only tax themselves if the United States did, probably knowing full well the United States would not go along with an expensive proposal that would be so detrimental to our economy.

So I compliment the President. He said instead of having mandates that would dictate that we would arbitrarily pick a figure of 1990 emission levels and sign a treaty that says we would meet and reach that goal, he said, let us have it as a goal but let us not mandate it, and then let us have each individual country develop a plan to try to achieve that goal.

Again, we can use our experience and our expertise in trying to make significant reductions without real harm and significant loss to the economy.

I have to think that we can have both a strong economy and a sound environment. They happen to go hand in hand. Frankly, if you have a poor economy, in most cases you will have very poor environmental results. If a company, if an industry is losing money, they do not have the money generated, they do not have the profits generated necessary to make environmental improvements and, therefore, many times or in many cases they will not use the best environmental solutions available.

So I think it is vitally important that we encourage both a sound economy and sound environmental practices. I think that is what the President is saying, both in the Climate Change Treaty and also by his refusal to sign on at this point in time to the Biodiversity Treaty.

I think he happens to be exactly right by not signing this treaty, one, because it does not protect intellectual property rights and that is vitally important. That is vitally important to our country, that is vitally important if free enterprise is to develop new technological solutions to energy and environmental problems. And, two, and this is equally as important because it provides for a funding process, but the Biological Diversity Treaty provides for a funding process that basically allows the Third World countries to spend our money. I think the President objects to that, and I believe he is just as right as he can be.

I have a real problem when I see a lot of people wanting to use the Rio summit as a method or a means to have this be a basic income transfer from the wealthier countries to the developing countries. I might mention to the

so-called developing countries that we are not so wealthy. Yes, maybe our GNP is large, but as a country, we happen to be broke. We have a deficit this year that already is projected to be close to $400 billion. We have a debt in this country that will exceed $4 trillion this year.

How in the world can we be expected to pick up all the costs, or even a significant portion, of solving the environmental problems that now exist throughout the world, environmental problems which some people have estimated that the industrialized world needs to provide assistance funding of up to $125 to $140 billion per year?

Some of the provisions in the Biological Diversity Treaty and in Agenda 21 that they are negotiating in Rio address financing and trying to figure out how we can develop income transfers from some of the wealthier countries to the developing countries to where the developing countries will have total control over the money. Again, everyone assumes that we have the money in the United States, which we do not.

Some of us will be aggressively pursuing a balanced budget amendment, hopefully within the next couple of weeks in both the House and the Senate. I hope and pray it will pass both the House and the Senate and that it will be ratified by the necessary States, three-fourths of the States in the country. I hope that will happen. But I will tell you, it will not be easy to balance the budget when you are spending about $400 billion more than you are taking in. That is the present case.

We are spending right now, this year, $1.5 trillion. That is about $6,000 for every man, woman, and child in the United States. That is without the obligation of picking up the environmental problems that exist throughout the world. So we need to look for solutions, good solutions and, in this Senator's opinion, market-oriented solutions, solutions that encourage private property, solutions that encourage a free enterprise system and new development. Many projects that we have seen funded either through the World Bank or other multilateral assistance mechanism, have not been environmentally safe, they have not been environmentally sound. The United States is continuing to work in Rio to improve the environmental sensitivity of the World Bank and of the institutions.

Mr. President, I will insert in the RECORD at this point two articles, one entitled "Rio Agenda: Soak the West's Taxpayers" and, two, "Deregulator in Rio." Both of these talk about solutions. One is complimentary of the President because he does have the interest of protecting American jobs while protecting the environment. And the other one discusses the agenda of Rio by many people to try to transfer wealth from the United States, wealth that we do not have, wealth that we cannot afford.

So, Mr. President, I ask unanimous consent to print both of these articles in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 3, 1992]

RIO AGENDA: SOAK THE WEST'S TAXPAYERS

(By Patricia Adams)

The Third World's elite and their global groupies have descended upon the U.N. organized Earth Summit meeting this week in Rio de Janeiro with plans to extract up to $140 billion a year from Western taxpayers. "Fear by the North of environmental degradation provides the South the leverage that did not exist before," Prime Minister Mahathir Mohamad of Malaysia told fellow G-77 members (the Third World's answer to the G-7) a month ago in Kuala Lumpur. "It is fully justified for us to approach it this way."

The only way for Third World countries to avoid environmental damage, Dr. Mahathir went on, "is for them to receive substantial material help." Translation: If the West expects countries like Malaysia to stop razing their tropical forests, the West will have to pay the price.

To compensate Third World nations for protecting their environments, Brazil and Argentina have suggested a long list of mechanisms in a joint submission to the United Nations General Assembly.

Among them would be a tax on newspapers. A mere one-tenth of a cent levy on each of the 63,546,000 papers read each day in the U.S. alone would yield almost $23.2 billion a year. Brazil and Argentina envisage taxing newspaper readers in all OECD countries.

AGENDA 21

Another Brazilian-Argentina proposal is what they call Green Mail: "An environmental stamp would be created to be used compulsorily in all international correspondence." The two governments happily note that more than 8 billion pieces of mail were sent across international borders in 1989.

Call it Green Mail or call it blackmail, Rio will almost certainly start the ball rolling on Agenda 21—the U.N.'s 900-page master plan to save the world's environment in the 21st century. Less certain will be who controls the transfer of funds from Western taxpayers to Third World treasuries, and how big the heap's to be. The U.N. estimates an eventual requirement of $125 billion per year. The World Bank believes a mere $80 billion—jointly financed by the Third World and the West—will do the job.

The rich G-7 countries' candidate to control whatever money does get transferred is the Global Environment Facility—a three-year-old experiment in environmentally friendly funding run by the World Bank and two U.N. agencies. But the poorer countries assembled in the misnamed G-77 (the group actually has 128 members) is leery of letting these large sums be controlled by institutions under developed country thumbs. They want a Green Fund financed by the rich countries but with a "democratic" structure—one country, one vote. China wants rich countries "assessed" in proportion to their gross domestic product.

While this tug of war between G-7 and G-77 goes on, few have awakened to what either's pork barrel would mean for the global environment. A Green Fund would bankroll countries like Malaysia, whose governments have seized vast native landholdings in the past decade and then doled out logging licenses for them to favored concessionaires. In the Malaysian state of Sarawak on the island of Borneo—scene of some of the world's most indiscriminate logging of ancient rainforests—almost all timber concessions are owned by Malaysian politicians, their relatives or their companies.

Other advocates of the proposed tax grab of the developed countries' resources—the governments of China, India, Pakistan and Ghana—make no less outrageous custodians of their peoples' environments. The Chinese government champions Green Funds to combat soil and water degradation. But it plans to build an economically and environmentally ruinous dam on the Yangtze.

A feasibility study could justify the Yangtze project's $10.7 billion cost only by grossly overestimating benefits and understating costs. To minimize estimated resettlement costs, it was assumed that 500,000 people would be left to live in the flood storage area on the reservoir's rim. To minimize foreign exchange costs, the study assumed China's administered rate for the yuan, rather than the far less flattering free-market rate. Though the Yangtze is a major transport artery, the study altogether ignored disruption to the port at Chongqing and destinations downstream during the dam's 18-year construction period. The costs of soil erosion and damage to coastal farming were also slighted, as were the costs of relocating the 1.2 million people who would have to move.

India, like China, has played fast and loose with its people's environment. The once thriving agricultural community of Singrauli in north India has been reduced to destitution by contamination from the 12 state-owned open-pit coal mines and the five state-owned coal-fired electricity-generating plants they have as neighbors. Water infused with coal-ash slurry and air laden with dust and sulphur dioxide have precipitated a public health disaster.

Eighty thousand Ghanaian farmers and fishermen lost their homes to make way for the foreign-aid financed Akosombo dam and what became the world's largest man-made lake, Lake Volta. Residents in the vicinity of Lake Volta have become infected with bilharzia, a debilitating disease spread by a snail that thrives in large bodies of still water. Erosion of the Ghanaian coastline—no longer replenish by upstream sediment—has swept tens of thousands of homes in the seaside town of Keta into the sea. The erosion has also affected neighboring Togo, destroying the coastal highway, submerging palm oil plantations and threatening the piers from which the country's phosphates are exported. Now foreign aid donors have pledged another $50 million to undo the damage the original foreign aid did.

The World Bank's track record is no less bad. Its Polonoroeste project, a vast colonization scheme in Brazil's Amazon watershed, lured a million settlers into the region with subsidies and promises of fertile land. But beneath the lush, rainforest canopy, the soils were poor, and the settlers were forced into wave upon wave of additional clearances, creating a 15,000 square mile wasteland. The World Bank's publicists have since put a bright face on the disaster, claiming in 1990 in their first annual environmental report, that the resulting adverse publicity "fostered a growing political and public commitment to preserve the Amazon's remaining natural resources."

GOVERNMENT THE PROBLEM

Recklessness on this scale has led many environmentalist and citizen activists throughout the Third World to conclude that money in the hands of their governments is the cause of environmental problems, not their solution. Without easy money from foreign aid organizations and foreign banks, Third World governments could not have afforded the host of uneconomic development projects—from dams to logging operations to mining schemes—that have expropriated private and village land to ruinous economic and environmental results. Unaccountable governments and international institutions with the power to extinguish local property and customary rights for the supposed "national good" are at the root of many of the Third World's environmental disaster.

Third World governments want money, and to get it are prepared to hold hostage their people and the environment upon which their people depend. The Western governments—reeling from often justified criticism of their own environmental records—want to buy the silence of their critics. But throwing money at the problem only promises to compound the damage, while ignoring the Third World public's increasing demands that their governments respect local property and customary rights. The Western leaders should listen to the presumed beneficiaries of their largess, and say "no" to more money.

(Ms. Adams, executive director of Probe International, a Toronto environmental group, is the author of "Odious Debts: Loose Lending, Corruption, and the Third World's Environmental Legacy" (Earth-scan, 1991.)

[From the Wall Street Journal, June 3, 1992]

DEREGULATOR IN RIO

There's a good reason why George Bush was the last major world leader to sign up for this week's Earth Summit in Rio. He doesn't fit in.

On paper, at least, the summit has a common goal, protecting the environment. Problem is, too many of the people at Rio believe, fervently, that the best method of achieving that protection is the creation of new rules for everyone else's daily life. This approach is a nonstarter in the United States. President Bush's attitude reflects that reality.

The American political community is currently trying to discern why Ross Perot is so popular. One reason, we're certain, is that a great many Americans have had it up to here with public rulemaking. Whether one's contact with public-sector rules comes at the level of the welfare office, Medicare, the department of motor vehicles, asbestos abatement mandates or litigation over some rule's undecipherable meaning, the growing feeling in the U.S. is that it's all become too much.

By now, for instance, many people who live in relatively small American communities have seen their town's budget hit hard by the cost of complying with an order from the state environmental bureaucracy. That state bureaucracy, in turn, is acting under the authority of directives from the Environmental Protection Agency in Washington. And the EPA is a protectorate of the U.S. Congress, America's own land of Oz.

Professional environmentalists or those who still believe in the efficacy of regulatory activity won't like this view, but at the level of practical politics Ross Perot and George Bush have recognized that people in the United States don't want to absorb, or pay yet again for, any more rules from Oz.

In past months, Mr. Bush himself or his administration have taken several major steps to slow or thwart higher levels of regulation. The President sided with Vice President Dan Quayle and against EPA Administrator William Reilly in deciding how utilities would have to comply with the pollution-control requirements of the Clean Air Act.

Then the administration's "God Squad," led by Interior Secretary Manuel Lujan, ruled a few weeks ago to exempt some loggers' jobs from elimination by the Endangered Species Act's protection of the spotted owl. (Meanwhile a federal judge this week ruled to take the owls and the Northwest's economy under his wing; good luck to all.)

Last week Mr. Quayle's office announced that not all bioengineered food products would have to endure the FDA's costly approval process. Both consumers' pocketbooks and the U.S. biotech industry will benefit. Finally, just before Mr. Bush left for Rio, the State Department announced that the U.S. wouldn't be signing the summit's "biodiversity" treaty.

By some accounts, all these deregulatory actions were "election year politics." We guess this means that the people are getting in the way again. Under Beltway political theory, the regulatory carrying capacity of the American voters is infinite. Clean air, fuel-mileage standards, wetlands, banking, securities, new drugs, disability laws, Medicare—just pile on more perfectibility and they will somehow figure out how to live with it and pay for it.

Except, of course, that in the U.S. we hold elections. And to the great discomfort of the Washington establishment, for whom regulation is a kind of jobs program, Presidents Carter, Reagan, and Bush all made deregulation a significant part of their political platforms. This in turn means that, unlike most of those nations now in Rio, the U.S. government since 1976 has developed an intellectual argument to underpin its deregulatory philosophy.

Across three U.S. presidencies in the 1970s, the '80s and now the '90s, the regulatory exuberance for benefits has been balanced against the reality of costs. Saving pairs of spotted owls is a benefit; ordering into oblivion the source of income for 35,000 logging families is a cost. Cleaner utilities is a benefit; allowing the Sierra Club, with EPA's support, to tangle utilities in procedural knots over pollution permits is a cost, which consumers pay.

This balance is the political principle that George Bush brings to Rio. Rio, however, will be filled with people chanting for a heavy rain of rules and treaties—to stop global warming, close the ozone hole, make a list of all the species on earth, make Detroit manufacture cars that run on sunshine and export more money from the American middle class to create EPAs all over the world. Amid this, we hope that Mr. Bush has an opportunity to explain to his colleagues why the elected leader of the American people won't be signing up for all of it.

Mr. NICKLES. Mr. President, I yield the floor.

The PRESIDING OFFICER. The time now controlled by the Senator from Oklahoma is 17½ minutes.

Mr. NICKLES. Mr. President, I yield the Senator from Wyoming as much time as he should desire, as well as control of the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

EARTH SUMMIT

Mr. SIMPSON. Mr. President, I thank the Senator from Oklahoma. I appreciate very much his remarks. I also appreciate the powerful statement of Senator SYMMS. I also thank my friend, Senator WALLOP, for an exceedingly and extraordinarily powerful statement on the issue.

I do know that all of us here are pleased that there is a participation by our Government in the Rio summit.

It is curious to me that we have heard so often Members from the other side of the aisle railing and carping in this Chamber about President Bush not doing enough to protect the environment. Hopefully, they will dispense with that rhetoric in the future. Initially, they urged him to go, and railed about that. Then, when he decided to go, they railed about that, too.

So the President is going to Brazil, and when he comes back, I am sure there will be something new to rail about. I think we will all be pleased when the Earth summit is concluded. Many good things will come out of the meetings in Rio, and the administration deserves a great deal of credit in helping to bring some good, common sense to the process.

I must say it surely does get tiresome listening to some of my colleagues on the other side of the aisle pump out the extreme rhetoric about the greenhouse effect, and global climate change, and the positions taken by the administration on these issues. Everyone would agree that ozone depletion is a serious issue. No one objects to addressing that important matter. Global warming is simply not the same issue. It is an unknown of indefinable dimension.

I was quite fascinated by a series of articles in the Washington Post recently that dealt with this subject. It has been fascinating to observe the coverage of the Washington Post over the years on this one. Often you will see a factual news article explaining that there is no scientific evidence whatsoever that industrial activity was actually causing significant warming of the Earth. Such an article would then be followed by an editorial calling for drastic measures to curtail carbon dioxide emissions in order to head off a catastrophe of global dimension. The editorial opinions have not matched up with the facts being presented in articles within the same paper.

One of the most interesting articles was by Boyce Rensberger in the Sunday edition. I would like to share a brief quote from that article:

Scientists generally agree that it has been getting warmer over the last hundred years, but the average rate of change is no greater than in centuries past, and there is no consensus that human activity is the cause. And while there is no doubt that continued emissions of "greenhouse gases" tend to aid warming, it is not clear that cutting back on emissions could do much to stop a natural trend, if that is what is happening.

In my view, the most critical problem which threatens our global envi-

ronment is not greenhouse gases. It is not something easily addressed by science. It is not an issue defined in terms like "risk assessment." It is not those issues raised in pseudo-scientific journals. The real problem—and I will bet you it will not even get addressed in Rio—is the overpopulation of the Earth. That is the real issue. There is no other more critical issue. And when you get into this one, you are into the areas of political correctness. You are into the areas of religion. You are into the areas of ethnicity.

But I say to my colleagues and to anyone who is involved in this issue, if you are going to be honest about the global environment, we must deal with the population of the Earth. How many footprints can the Earth sustain? It is that simple. We must first wrestle with this issue. And then we really will start a national, and even global debate.

But maybe that is one reason people are wary of politicians. They know that in Rio we will be examining global studies. We will be watching models. We will be watching persons who will talk in extraordinary terms from treatises and white papers.

But when they get up to the gut issue of how many footprints can the Earth sustain, it will all be remarkably vague. And that is too bad, because that is the toughest issue of all.

I happened to visit recently the ruins of Tikal in Guatemala. Here was a society of extraordinary dimension with regard to geometry and astrology and government and social structures. That civilization began before Christ and then in the years 950 A.D. to 1000 A.D. it ended—just ended.

Some said it was disease. Some said it was the plague. Some said perhaps some huge atmospheric cataclysm. But one of the great students of Tikal and the Mayan culture said simply that when you get to the point where the food gatherer of the family suddenly knows that his family will perish without further food—then that person will take the last animal, will catch the last fish, will kill the last bird, and that is exactly the way it is.

You need only look around the world to know what is occurring with the global population issue, and we all sit silently by and watch it happen and talk about vapors and whether cattle will give off methane that will destroy the Earth. I mean it is absolutely absurd.

So I throw out the challenge to my friends on the other side of the aisle and those on this side: How many footprints will fit on the Earth? And then maybe we will get to some sensible discussion of what it is that will save the Earth.

I have studied the issue, yet not to the degree of scientists, who cannot seem to agree at all on global warming. They agree that the Earth has been getting warmer over the last 100 years, but the average rate of change is no greater than in centuries past. And there is no consensus that human activity is the cause. And while there is no doubt that continued emissions of greenhouse gases tend to aid warming, it is not clear that cutting back on emissions could do much to stop a natural trend.

That is what I shared with you previously from the article.

Some of the Senators who have been the most outspoken critics of the administration—and they come here to this floor regularly to share that; yes, it is almost a litany now—they have positions that I see seem to be way out in front of science. Yet some scientists have said that their own computer models can't predict rapid warming. But, let us face it, even the most advanced computer models involving the complex global climate cannot account for all of the variables in nature.

So it is good to see from time to time that facts percolate through the emotion and the hidden agendas and make it to the surface—and please do not believe that there are not a ton of hidden agendas in this issue.

So I would ask that the article from the Washington Post be placed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SIMPSON. I would like to commend President Bush and Secretary of State Baker for their fine leadership in this issue. During a time when the debate and the charges have been quite heated, we are fortunate that cooler heads have prevailed.

Finally, we should take a closer look when we talk of overpopulation—at what is happening in Haiti.

The President takes a ton of flak on that one. But he should not, because either you follow the refugee laws or you change the refugee laws.

Our refugee laws and the United Nation's refugee laws are quite clear. A refugee is a person fleeing persecution based on race, religion, or because of membership in a national organization or political organization. A refugee under the United Nations and the United States law is not a person fleeing poverty. Get that. You may not like that definition, but that is the present definition of a refugee.

So, as the President said, it is not our function to provide solace for every economic refugee. If you did, there would be 16 to 20 million people who would be right here, right now.

So you either stick with the definition of refugee or you change it.

What do we have there in Haiti? We have a population there wreaking havoc with the environment by chopping down trees by the thousand in order to make products, charcoal that can be sold for a few cents a day. That is also happening in Africa, in India, in Bangladesh, and many other places.

Population growth coupled with deforestation should be the focus of our concern and the concern of U.N. organizations. Yet most of us here seem to prefer to flagellate the American people for not doing enough to protect the environment while countries of other participants continue with fertility rates of 1.8 or 2.5 or 3.2 percent. What do we think will happen to the world?

Slash and burn agriculture is increasing in the world at an alarming rate. As everyone knows, this only serves to deplete the natural carbon dioxide sink and causes depletion of the nutrient and shallow soils so the trees will never grow back for generations.

Quickly growing urban populations in underdeveloped countries also cause a myriad of environmental problems as more rural people flock to the cities in search of economic opportunity.

We need to get our priorities straight. We need to understand that the less developed world needs help. But we also need to recognize that these countries love to heap criticism on us. This is designed to make us feel guilty for problems we did not create. And we are doing more to correct the environmental problems than the rest of the world combined. And it is unfair to place impossible demands on our country especially in view of our Nation's environmental record.

We get to 95 percent purity and 95 percent control of a pollution activity, but the cost of going from 95 to 100 percent will break us. Meanwhile the countries who chip on us and battle us haven't even started with even 1 percent clearup.

So we ought to sponge away the guilt, now that we have a unique leadership role in the world. That role also includes telling the truth by saying that unless certain countries begin to deal with their own overpopulation problems, we face the greatest threat to global destruction. That is ultimately going to be the real issue. So I would love to hear how we will address this. I will be waiting for that.

Meanwhile, Americans have done an awful lot for the global environment and an awful lot for the environment of this country. We will not be stampeded into taking action that is not in our best interests. We will continue to take actions that are mutually beneficial for all countries of the world. We will continue to adequately address our own environmental problems—thank you very much, right here at home—and we have done a beautiful job of that.

EXHIBIT 1

[From the Washington Post, May 31, 1992]

AS EARTH SUMMIT NEARS, CONSENSUS STILL LACKING ON GLOBAL WARMING'S CAUSE

(By Boyce Rensberger)

While most of the planet's heads of state converge on Rio de Janeiro for the Earth

Summit to set policy on coping with global warming, most of the scientists who specialize in the subject still can't figure out whether anything unusual is actually happening to Earth's climate.

Scientists generally agree that it has been getting warmer over the last hundred years, but the average rate of change is no greater than in centuries past, and there is no consensus that human activity is the cause. And while there is no doubt that continued emissions of "greenhouse gases" tend to aid warming, it is not clear that cutting back on emissions could do much to stop a natural trend, if that is what is happening.

Seldom, in fact, has an issue risen to the top of the international political agenda while the facts of the matter remained so uncertain.

For example, in the single most comprehensive effort to synthesize the state of scientific knowledge about global warming, the United Nations Environment Program and the World Meteorological Organization called together several hundred working scientists from 25 countries—most of the top specialists with expertise in the subject—and asked them to write a comprehensive report on the situation.

That group, the Intergovernmental Panel on Climate Change (IPCC), produced a 365-page report in 1990 that was the scientific basis for a climate treaty to be adopted in Rio. It concluded that the future warming rate could speed up considerably, with Earth's mean temperature climbing about 2 degrees Fahrenheit by 2025 and 5 degrees by 2100.

That report gave impetus to one of the most ambitious international efforts ever undertaken, yet when read closely the document gives only two conclusions it calls "certain":

There is a natural greenhouse effect that keeps Earth warmer than it would otherwise be. It's been operating for billions of years, as scientists have long known.

Emissions of greenhouse gases from human activities are pushing up the concentration of those gases in the atmosphere. That, too, has been known for decades.

With less confidence, the IPCC scientists said there is fairly reliable evidence that the average temperature of Earth's surface has risen by about 1 degree Fahrenheit over the last hundred years and that sea level has risen by four to eight inches in the same time.

"The size of the warming is broadly consistent with predictions of climate models, but," the panel cautioned, "it is also of the same magnitude as natural climate variability."

In other words, the changes measured to date in the environment are no bigger than those the Earth has undergone in recent centuries through entirely natural processes.

"It is not possible at this time," the report said, "to attribute all, or even a large part, of the observed global-mean warming to the enhanced greenhouse effect [the extra warming attributable to those human-produced gases] on the basis of the observational data currently available."

A MATTER OF PERSPECTIVE

If these measured words represent the consensus of climate experts, what about all the voices calling for drastic action, all those experts so widely publicized in the crescendo leading to Rio?

The fact is that most of them are part of the consensus. They differ not so much on what can be said scientifically but on what they think society should do in response. The major confrontation, as in so many scientific controversies, derives less from what the data say and more from the personalities of the scientists, The controversies reveal as much about the temperaments of researchers as the temperature of Earth.

The most visible scientists have tended to be those who express alarm and call for immediate, massive action in the name of prudence. They are most visible because many are backed by large activist organizations and because the news media traditionally give alarm calls prominence. But there are also more circumspect scientists who say the data are still much too uncertain to rush into action, especially expensive action, to curtail greenhouse emissions.

The most prominent climatologist to sound the alarm was James E. Hansen of NASA's Goddard Institute for Space Studies. He triggered much of the current concern by announcing in 1988 that "global warming has reached a level such that we can ascribe with a high degree of confidence a cause and effect relationship between the greenhouse effect and observed warming. It is already happening now."

One of the alarmists' severest critics is S. Fred Singer, the first director of the U.S. weather satellite program and a well-known skeptic of doomsday scenarios. Yet Singer calls the IPCC report "an excellent compilation . . . filled with appropriate cautions and qualifications." And he agrees that global warming is likely to continue but suspects the rate will be "modest."

What follows is a guide to the facts behind the issues to be discussed at Rio Wednesday through June 14—drawn heavily from the data published in the IPCC's original report, its update of that report and other analyses by numerous scientists, including the National Academy of Sciences' Greenhouse Warming Synthesis Panel. It may serve as a "tool kit" for nonspecialists who believe the future of the planet should be taken seriously.

TRENDS IN HISTORY: WILD CLIMATE SHIFTS

To hear the debate over global warming, you'd think Earth's climate had always been steady as a rock and is only now being forced to change on account of human activity. In fact, for at least the last 2 million years, the climate has been swinging wildly between ice ages (the most common condition) and interludes of warmth—often far more warmth than the planet is now experiencing.

Many climatologists think the chief cause of these repeated swings is a change in the intensity of sunlight as a result of shifts in the tilt of Earth's axis. Even a slight change can cause a significant cooling or warming.

Some scientists note that it takes a change of only a few degrees in average temperature—6 or 8 degrees Fahrenheit—to turn a moderate climate into an ice age or vice versa. Other scientists agree but point that such changes have been occurring all along without any human input. Extreme climate shifts are perfectly natural. Temperature swings in the past were enough to raise or lower sea level by 400 feet.

There is no way, those other scientists say, to tell whether the recent warm years (in which the temperature rise over the past century has been just 1 degree F) are part of a natural fluctuation or something new. Even if Earth warmed as fast as is predicted by many theories, the rate of change would not necessarily be faster than in the past. Recent studies of ancient climate shifts show that they can occur in just a few decades—the time scale environmental activists are warning about now. This, of course, does not mean it would be easy for people and ecosystems to adapt. Past climate shifts have caused major waves of extinctions.

Tracking natural climate change is complicated by the fact that global temperatures have not simply oscillated between warm and cold. There have been oscillations within oscillations.

TRACKING THE BILL CHILL . . .

Take the latest ice age, It began waning about 15,000 years ago. The glaciers began melting, retreating northward. The meltwater made sea levels rise. But about 10,500 years ago, the trend suddenly reversed itself. In less than century the ice age returned. Temperatures fell, the retreating glaciers advanced again and sea level dropped.

Nobody knows exactly what caused the change, but many experts suspect the huge volume of melting ice disrupted circulation in the oceans. The meltwater, being colder and less dense than salt water, could have suppressed, for example, the Gulf Stream, which normally heats northern latitudes with tropical water.

The cold period lasted about 500 years; then, as abruptly as the cooling began, a spell of global warming set in again.

By about 6,000 years ago the post-ice age climate reached its warmest, with a global average temperature about 2 degrees F higher than now. Then Earth cooled again, dropping about 2½ degrees. So much water became locked into glaciers that the sea level during Greco-Roman times was six feet lower than it is today.

. . . . AND THE LITTLE ICE AGE

Then the roller coaster went up again so that between 2,000 and 500 years ago the Earth was about 1 degree F warmer than now. From about the 10th century through the 13th century, for example, Europe was so warm that Greenland was, in fact, green with plants.

Then global cooling set in again, and about the year 1550 there began an episode now known as the Little Ice Age. It didn't let up until about 1850. Iceland, which today is locked in sea ice only one to three weeks a year, was then icebound five or six months a year. In London, the Thames River froze over every winter, something it didn't do before or after.

Since 1850 Earth has generally warmed, climbing unevenly out of the Little Ice Age. Which brings up one of the contentious points of the current debate. Some experts say the warm years of the last decade are a sign of something new. Others say we may simply still be coming out of the Little Ice Age. They note that we have not yet returned to the warmth of the medieval era, when Scandinavians grew grain near the Arctic Circle.

The warming trend of the past century is by no means smooth. Much of it happened before 1940, when carbon dioxide levels were much lower than they are now. Then the warming stopped and reversed. Global cooling prevailed from 1940 to the mid-1960s, even as industrial activity soared, pouring carbon dioxide into the atmosphere. Some scientists warned then that it might signal a new ice age.

But around 1965, the warming resumed and has been increasing quite rapidly ever since. The eight warmest years of the 20th century have all come since 1979. But as the long view shows, they were by no means the warmest years ever. It was considerably hotter just a few centuries ago.

GLOBAL COOLING: THE PARASOL EFFECT

This may be the year of the parasol effect, the year the public notices that along with phenomena that would warm the climate, there are others that would cool it. Climate change depends on which of the two forces is more powerful. This year it is almost certain to be the parasol effect from Mount Pinatubo, the largest volcanic eruption since Indonesia's Krakatau in 1883.

According to Alan Robock, a University of Maryland climatologist, Pinatubo put enough light-blocking material into the atmosphere to blot out 2 percent of incoming sunlight. The cooling effect of that event is believed to be larger than the warming effect of all the "greenhouse gases" emitted since the beginning of the Industrial Revolution.

Pinatubo's dust fell back quickly, but its sulfur dioxide is expected to stay aloft for two or three years. Each sulfur atom absorbs sunlight, shading a tiny part of Earth's surface. In addition, the sulfur causes water vapor to condense on it, creating a droplet of water. The result is increased cloudiness.

This means that the next few years are likely to be much cooler than the warm years of the 1980s. But because the sulfur will eventually come down, its cooling effect will decline and Earth will return to its previous climate trend.

Pinatubo's cooling effect, however, is a piker compared to that of Mount Tambora in Indonesia. Its eruption in 1815 caused such a cooling that 1816 became known as "the year without a summer." In New England, for example, it snowed several times that summer.

But volcanoes are not the only source of sulfur dioxide. Industries that burn sulfur-bearing coal and oil put out enough sulfur that, according to one estimate, it blocks 7.5 percent of the sunlight that would otherwise reach the ground in the northeastern United States. Unlike volcanoes, which shoot their emissions high into the upper atmosphere (where they stay for years), industrial emissions usually fall out (as acid rain) within a few hundred miles of their source. Still, climatologists suspect they may have helped keep the climate from warming as much as it might otherwise.

Because of the acid rain problem, of course, industries are being forced to cut sulfur emissions—a step that could also furl the parasol.

A cooling effect is probably also provided by natural clouds. But this remains controversial. It is widely known that daytime clouds keep the surface cool (by simple shading) and that nighttime clouds keep the surface warm (by a greenhouse effect), but it has not been clear whether one outweighed the other, or which might predominate. Climatologists have looked at clouds from both sides now and some researchers have tentatively concluded they are net coolers. Slight variations in how cloud effects are interpreted lead to changes up or down of several degrees in predicted global warming.

Some climate experts predict greenhouse warming will increase cloud cover. If so, this could offset the warming. There are indications that Earth has undergone a very slight increase in cloudiness over the last 40 years.

THE GREENHOUSE EFFECT: WHAT IT IS, HOW IT WORKS

When sunlight enters a greenhouse, it passes through the glass and strikes the surfaces inside. Some light is reflected back into space and some is absorbed by the soil and plants. The light's energy is stored as heat. (Earth receives no heat directly from the sun.) The warmed objects then radiate the heat into the surrounding air.

Two things happen at this point. First, the heated air rises—a phenomenon called convection—but is trapped by the glass. This is what accounts for nearly all the temperature rise in a greenhouse but it is not a factor in Earth's atmosphere—which makes "greenhouse effect" a misleading term. Second, the heat coming off the warmed surfaces (infrared radiation) is absorbed by the glass, which gets warmer. It is this small warming effect that also happens in the atmosphere.

Most of the gas in the air plays little or no role in the greenhouse effect. Nitrogen and oxygen (which makes up 99 percent of dry air) are largely transparent to light and heat. But other gas molecules act like glass. They let light in but capture heat going out. The most abundant of these are water vapor and carbon dioxide.

Environmentalists may damn the greenhouse effect, but it has been happening for billions of years and it is what keeps Earth from being as cold as Mars, which lacks natural greenhouse gases. If it were not for the natural greenhouse effect, scientists have calculated, Earth's average surface temperature would be about 5 degrees Fahrenheit. The oceans would be frozen solid. Instead the average year-round temperature is about 68 degrees.

Environmentalists don't dispute this. They point not to Mars but to Venus, where a runaway greenhouse effect is blamed for boosting the surface temperature to nearly 900 degrees.

CARBON DIOXIDE'S GROWTH: A WELL-DOCUMENTED WORRY

Contrary to popular conception, carbon dioxide is not the main contributor to the greenhouse effect. Water vapor is. But for all practical purposes, it is virtually ignored in the debates because it is not thought to be increasing significantly, there is not much that can be done about it and you wouldn't want to anyway because we need the rain.

But the concentration of infrared-absorbing gases in the atmosphere is definitely increasing—this is one of the few certainties of the current debate—and the chief contributor to the increase is carbon dioxide, or CO_2. It is growing largely because of human activity. CO_2 is produced by burning any organic matter—from fossil fuels (coal, oil, gas) in giant power plants to wood fires at backpackers' campsites.

Vast amounts of forest clearing also contribute either through burning the wood or simply by cutting it and letting it decay. Wood is a carbon-rich material and both burning and decay convert much of it back into carbon dioxide. This is the same carbon that the trees took out of the atmosphere in the process of photosynthesis as they were growing.

It is a misconception, however, that forests simply take carbon dioxide out of the air and give off oxygen. Plant metabolism consumes oxygen and gives off carbon dioxide just as animal metabolism does. The only time plants consume CO_2 is during photosynthesis, when the consumed carbon is incorporated into carbohydrate compounds and locked away in the tissue of the plant. This occurs only while the plant is growing in size. Once a forest has reached maturity, the amount of carbon dioxide it consumes is equal to the amount it loses during metabolism and from the decay of naturally dead leaves and wood. In other words, a mature forest is in a carbon equilibrium with the environment.

Along with deforestation, large parts of Earth are being reforested—especially in the Northern Hemisphere—and some estimates indicate this growth may be extracting carbon dioxide from the air in quantities comparable to those released by forest burning in the tropics.

Measurements of the concentration of CO_2 in the air over the last two centuries have been retrieved from air bubbles trapped in old ice. They showed that around 1800—well before the greatest increase of population and industry—the CO_2 concentration was about 280 parts per million. Samples from younger ice show progressively higher levels. Since 1958, direct measurements have been made atop Mauna Loa in Hawaii, far from industrial sources. In what John Firor of the National Center for Atmospheric Research in Boulder, Colo., says "may turn out to be the most important geophysical measurement of the 20th century," the data show uncontestably that the carbon dioxide level has grown every year since.

Today the CO_2 concentration is 356 parts per million—27 percent higher than in preindustrial times—and is growing at about 1.5 parts per million each year. These inarguable facts underlie a large part of the current worry that human-produced carbon dioxide may be enhancing the natural greenhouse effect.

ESTIMATING EMISSIONS: FOSSIL FUELS AND DEFORESTATION

Most of the increase in carbon dioxide comes from burning coal, oil and gas for electricity, transportation and heating, as well as from the manufacture of cement, in which carbon-containing minerals are burned. These emissions are estimated to have grown at an average of about 4 percent per year from 1860 until the early 1970s, with slow-downs during the world wars and the Great Depression. The 1973 oil shortage halved the rate and for a while, CO_2 output did not grow at all. From 1979 to 1985 the release was steady at 5.3 billion tons of carbon per year—showing that energy conservation can have an effect. Then it started to rise again, reaching 5.7 billion tons by 1987.

About 95 percent of the emissions come from the industrialized countries of the Northern Hemisphere. Emissions there amount to about 5 tons of carbon per person per year. In developing countries, the comparable figure is about 0.2 to 0.6 tons. But the rate of increase in the Third World is about 6 percent a year, compared to 1 percent a year in Western Europe and North America.

Deforestation also releases CO_2 but estimates of the amount vary widely, from 0.6 billion tons to 2.5 billion tons. Even at the high end, this would be less than half the carbon released from burning fossil fuels for electricity, transportation and heating in the industrialized world.

Comparisons of the amount of carbon dioxide being released each year with the concentration in the atmosphere have led to a major mystery: About one-third of the Co_2 being released is—fortunately—not staying in the air. It is disappearing, going someplace where it can't intensify the greenhouse effect. The oceans may be soaking it up and incorporating it into algae or the calcium carbonate shells of marine organisms. Land vegetation may be taking it up. Perhaps soil microbes are extracting it from the air. The bottom line is: Nobody knows. More significantly, nobody knows whether a warmer Earth will reduce this beneficial carbon-scavenging effect, worsening a warning trend, or will enhance it, helping save us from warming.

THE OTHER GASES: CH_4, CFCs, N_2O

Experts estimate that carbon dioxide accounts for only about 61 percent of the enhanced greenhouse effect. The other sizable contributors are methane (15 percent), CFCs (11 percent) and nitrous oxide (4 percent).

Methane is also known as marsh gas because it is produced by the decomposition of organic matter in marsh bottoms. It is also the main component of natural gas. While the amount of methane—CH_4—being put into the atmosphere is only about 1/50th the amount of carbon dioxide going up, each pound of it has 20 to 60 times the greenhouse effect of CO_2, the effect declining with time because it is taken out of the air fairly rapidly.

About 525 billion tons are released each year (compared with 26,000 billion tons of carbon dioxide), most of it from natural wetlands, rice paddies and flatus of animals. Only about 20 percent of methane comes from industrial activities that offer hope of reducing output, such as gas drilling and landfills.

The atmospheric concentration of CH_4 was fairly steady during recent centuries. Since the mid-1800s, however, it has doubled and is still climbing—twice as fast as the carbon dioxide level—mainly as the result of increasing rice cultivation.

Chlorofluorocarbons, or CFCs, are by far the most potent greenhouse gases. They are all human made, mostly for use as solvents, refrigeration coolants and aerosol propellants. They are, pound for pound, 1,500 to 7,300 times as powerful at warming Earth as carbon dioxide. One thing that keeps CFCs from roasting the planet, ironically, is that they damage the ozone layer. While the ozone hole is a different phenomenon from global warming, ozone is a greenhouse gas. So its destruction offsets much of the warming from CFCs.

Nitrous oxide, N_2O, is nearly 300 times more potent than carbon dioxide, but the amount going into the atmosphere each year is tiny by comparison. The normal sources are natural decay; but the atmosphere concentration has been growing because of increased use of nitrogen fertilizers, which soil bacteria convert to nitrous oxide.

GLOBAL WARMING: DISPARATE IMPACT

Even if Earth warms appreciably in the next few decades, that would not mean it will get warmer everywhere. Indeed, the climate models forecast that some places will cool while the planet as a whole warms.

The bad news, according to some models, is that central North America and Eurasia are likely to get the most heating. The good news is that Antarctica may get colder or, at least, not much warmer. This is good because about 90 percent of Earth's ice is in Antarctica. Though there were early fears that the ice mass could melt and raise sea level by yards, new analyses cited by a National Academy of Sciences panel indicate it is highly unlikely to melt in the next century. In fact, it may accumulate more ice if snowfall increases, as some models predict. This could offset any sea-level rise from other causes.

Greenland's ice, on the other hand, which is about 9 percent of the world supply, is expected to melt around the edges. It is thought to have been doing that for decades, contributing to the sea-level rise of about six inches this century. Forecasts of sea-level rise vary from none to perhaps two feet over the next hundred years.

At worst, this could cause serious flooding of low regions all over the world including a third of Bangladesh and much of the most valuable real estate in Florida, Louisiana and Texas. If the rise happened suddenly, nearly 200 million people would be flooded out.

Far more widespread are the projected effects of agriculture, though not always bad. While the latitudes suitable for specific crops would move north if growing seasons lengthened, a more significant change is likely to be in the distribution of rainfall.

In some scenarios, the United States loses enough rain to cut farm productivity by a third—until cropping patterns adapt—and Russia benefits both from more rain and the warming parts of Siberia now unsuitable for farming. But climate forecasters emphasize that their regional prognostications are much less reliable than those for the globe overall.

Because carbon dioxide is, after all, plant food, rising CO_2 levels might well act as fertilizer, making plant growth more abundant. This would remove the gas from the air and might boost food production. In the laboratory, plants have responded this way if they had extra soil nutrients and water. But there has been no test in a natural ecosystem.

Natural ecosystems may be the hardest hit if the changes come fast. Temperature zones may move north faster than forests can keep up through natural dispersal of seeds. Margaret B. Davis of the University of Minnesota has developed computer models that show shifting climates will leave many trees standing where they cannot survive. The eastern hemlock, for example, now ranges as far south as the mountains of North Carolina. In one projection, Davis estimates that in 100 years it will retreat to the latitude of New York City; in an alternative projection, she concludes that the tree will not be found south of Maine. Some experts also predict that drier weather will kill many southern temperate forests, turning them to grasslands.

The great unknown is not so much whether it will get warmer—even skeptics agree it probably will—but how fast the warming will come. If it warms slowly, humans may be able to adapt without major stress and ecosystems also may be able to change at that pace. But if it continues to heat up as it has during the past 15 years, the ecological and economic changes could be catastrophic.

COMPUTER MODELS: FINE-TUNING FORECASTS

If the computer simulations that predict global warming are right, Earth's climate should already have gotten hotter than it has in recent years.

In other words, the computer models that are the chief basis for forecasts of gloom and doom are flawed. The proprietors of various models have always been the first to point this out, but their caveats are usually overlooked in the popular debate.

The flaw becomes evident not when the computers are asked to simulate future climate but when they are given the climate of the past and asked what it will be like in the present if carbon dioxide levels increase from past levels to those we know exist now.

"What happens is that the computers tell you we should have gotten twice as much warming as we actually have. That tells you there's something missing in the models," said Andrew Solow, a specialist in climate models at the Woods Hole Oceanographic Institution in Massachusetts. "Everybody knows the models are crude."

Another problems is "model drift." When the models are run to predict the current climate, their results are not always the same. Sometimes, Solow said, they "predict" that we should now be in an ice age. To correct for this, computer operators tinker with the program, making "flux corrections." These change the rate at which simulated phenomena happen—such as the transfer of heat from the ocean to the air.

The tinkering continues until the model reproduces the current climate more accurately. Then the models are asked to simulate the future, without knowing if the adjusted flows of energy will stay the same.

Although there are different climate models that give different outcomes, they work much the same way: Earth is divided into a grid of several thousand boxes. The atmosphere in each box is sliced into layers; so is the ocean. The computer treats each layer in each box as a separate parcel of climate.

A set of conditions is fed into the computer for each parcel—temperature, wind, sunlight, carbon dioxide and so on, along with standard formulas for the behavior of gases, liquids and solids.

Then the computer calculates how the phenomena in each parcel would affect surrounding parcels and feeds those new numbers up, down or midways. Once the changes propagate through all parcels, the computer recalculates everything again as if an interval of time had passed.

Modeled days pass into modeled months. To simulate a century of climate change, the world's fastest supercomputers must run continuously for about three weeks.

In recent years climate modelers have improved their methods, getting closer to how the world really works. The most dramatic result has been to roll back the early forecasts. Just three years ago some models predicted a warming of 8 to 10 degrees Fahrenheit by the middle of the next century. Today's improved models forecast considerably less warming—4 to 5 degrees—by the end of the next century.

Mr. SIMPSON. I yield the remainder of my time to my friend from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 4 minutes.

NECESSARY REFORM OF FOREIGN AID

Mr. KASTEN. Mr. President, I rise today to call to the attention of my colleagues a system of serious abuses in America's spending on aid to foreign countries.

As chairman—and subsequently ranking member—of the Foreign Operations Subcommittee, I have long shared the conviction of my colleagues that any foreign assistance from the United States must include a very strong provision encouraging the purchase of U.S. goods and services. But it has become more and more clear over the years that our "buy American" policy is an empty shell; it is not working.

In Mozambique, for example, United States foreign aid is providing a direct and substantial subsidy to Toyota and Mercedes Benz dealerships. We have provided the hard currency for the purchase of more than 800 of these foreign-made vehicles.

In Cambodia, where the United States spent $270 million on peacekeep-

ing forces in the last year alone, American truck manufacturers are getting frozen out of the market for Jeeps. Here again, it is Toyota of Japan that benefits.

That is wrong any way you look at it. But at a time when the American people are more conscious than ever before of the waste of their taxpayer dollars, we simply have to crackdown on this kind of U.S. subsidy to foreign businesses. We have to make our foreign aid programs live up to their billing, as a valuable investment in the U.S. economy, as well as in the economies of other nations.

The U.S. Agency for International Development [AID] has not been responsive to these concerns. As a matter of fact, they have engaged in an outright stonewall for the last 3 years. I have asked them repeatedly to provide an accurate figure for the percentage of foreign-aid dollars which are spent on U.S. goods and services and yet no answer.

For years, we have heard the statistic that 70 percent of U.S. foreign aid money is used to purchase U.S.-generated goods and services. This is no longer accurate. It has not been accurate for a long time. And we need to start being honest about it.

I am today calling on Secretary of State James Baker to launch a complete investigation of this problem. In a letter to the Secretary that I am releasing today, I am also asking him to make a number of immediate and necessary changes in the administration of U.S. foreign aid.

First, I am asking Secretary Baker to immediately stop the CIP Program in Mozambique until we have assurances that AID will aggressively seek United States vendors for this program.

Second, I am urging the Secretary to ensure that every waiver of the buy American policy is approved by AID assistance administrators in Washington, not in the field. The latter practice has been largely to blame for the abuses we are seeing today.

Third, AID has to determine whether there are any other programs like the one in Mozambique, programs that exclude United States companies from their benefits.

Fourth, we have to expand the AID Program that is charged with informing U.S. businesses about opportunities involving foreign aid.

Fifth, the Secretary has to make it clear to AID—and to all of the employees of AID—that buy American is a top priority of the administration.

Sixth, I am asking the Secretary to stop immediately any further disbursement of funds to the Cambodian peacekeeping program until United States truck manufacturers are treated fairly. Right now, the U.N. vehicle specifications are written basically to include Toyota and exclude U.S. companies. We need concrete assurances from the United Nations that this will not continue. Our bottom line has to be: no fair play for U.S. trucks, no more flow of U.S. money.

Seventh, the Secretary ought to instruct the U.S.-U.N. mission in New York that it is their responsibility to ensure that this kind of procurement discrimination against American manufacturers does not continue.

Eighth, we need to start being honest about where the U.S. money is going. That is why I am calling on Secretary Baker to determine the true percentage of U.S. foreign aid that is being used to purchase U.S. goods and services.

No more stonewalling. The American people, the Congress want action, and we want answers.

We Americans believe in extending a helping hand to the needy. We do not believe in handouts to the greedy, in foreign countries and foreign companies or anywhere else for that matter. Secretary Baker has an opportunity to make important and necessary reforms in the conduct of U.S. foreign aid policy. I urge him to seize the opportunity, and I urge my colleagues to join me in insisting on these reforms.

Mr. President I ask unanimous consent that my letter to Secretary Baker be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, June 3, 1992.

Hon. JAMES A. BAKER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: The United States' foreign assistance program is becoming increasingly difficult to support. Our inability to enact a regular FY92 Foreign Operations bill underscores this fact.

One of the more intractable issues in the last several years, while not a major foreign policy issue but nonetheless significant in terms of garnering support for foreign aid, is United States private sector involvement in the U.S. aid program, especially as it relates to procurement. Matters relating to this issue seem to be getting worse.

A U.S. assistance program in Mozambique is directly and substantially subsidizing Toyota and Mercedes Benz vehicle dealerships.

The vehicle procurement specifications for truck buys by the United Nations for Cambodian peacekeeping operations are written in a way which excludes American truck manufacturers, notwithstanding that the U.S. provides $270 million for this program in fiscal year 1992 alone.

The Agency for International Development, despite requests by the Senate Appropriations Committee going back three years, is either unwilling or unable to provide reliable figures on the percentage of U.S. economic assistance used to procure U.S. goods and services.

Mr. Secretary, your immediate attention to these issues is required.

AID TO TOYOTA AND MERCEDES BENZ

Beginning in 1984, the Agency for International Development began a commodity import program for Mozambique which was designed to stimulate and support the private sector in that country. This program provides hard currency to private businesses in Mozambique which in turn import goods into that country for resale, primarily in the private agricultural sector. The objective of the program is surely laudable. The problem, however, is that the only private sector outlets that A.I.D./Mozambique seem to be able to find in the vehicle area is foreign dealerships. U.S. foreign aid checks are being sent directly to Toyota of Japan and Mercedes Benz of Germany. We have all complained in the past of Japanese and German government assistance to private Japanese and German concerns, but little did we know that the United States government was also providing such assistance to Japanese and German companies. My understanding is that we have provided hard currency for more than 800 vehicles and, but for my inquiries, the program would continue to provide more such aid.

Navistar, the leading manufacturer of medium and heavy duty trucks in North America, was assured several years ago that whenever any such opportunities arose, it would be given the chance to become involved. No one has made any effort to contact Navistar with regard to Mozambique, nor was any American company for items other than vehicles contacted, as far as we know.

U.N. ACTIONS BAR THE U.S. FROM COMPETING ON VEHICLE CONTRACTS IN CAMBODIA

Based on information provided by the International Affairs office of the Chrysler Corporation, it appears that the United Nations Field Missions Procurement Section has put out RFP's for vehicles in Cambodia which can only be successfully answered by Toyota. It is anticipated that the United Nations Transitional Authority for Cambodia will be procuring an estimated $1.9 billion in equipment included some 10,000 vehicles. The United States will provide a substantial amount of this funding and our products ought not to be specifically excluded from U.N. procurement specifications. In this case, according to Chrysler, 'for sport utilities, the specs "fit" a Toyota Land Cruiser, i.g., minimum 4-liter diesel engine and 6 passenger seating (our Jeep Cherokee has a 2.1 liter turbo-diesel engine and seats 5)." "For pickup trucks—where only the American manufacturers make the larger ones and we do offer a turbo diesel engine above 4 liters—the specs call for a carrying capacity of up to one ton, thus permitting the Japanese to quote their smaller pickup trucks." The engines for these trucks are manufactured in Kenosha, Wisconsin. This U.S. foreign aid practice is thus directly harming Wisconsin workers.

Adding insult to this injury as you will see from the enclosed correspondence I have received from Chrysler, they have been treated poorly by U.S. State Department officials in New York at the U.S. mission to the U.N.

AGENCY FOR INTERNATIONAL DEVELOPMENT UNABLE OR UNWILLING TO PROVIDE DATA ON PERCENTAGE OF ECONOMIC ASSISTANCE USED TO PROCURE U.S. GOODS AND SERVICES

For many years, and as recently as one year ago, the Agency for International Development held that 70% of U.S. foreign economic assistance program was used to procure U.S. goods and services. This assertion was used to garner support for the foreign assistance program. Several years ago, it became clear to me and others that the 70% figure was high. This was confirmed in some limited studies done by A.I.D. indicating

that in selected countries, the percentage was actually under 20%. For the last three years, we have sought this data from A.I.D. They have spent more than $600,000 on consulting contracts, and still we have not received the requested data. On numerous occasions, the Agency has provided answers to different questions—questions that they proposed, like the percentage after excluding various parts of the program, or including other aspects. The absurdity of this was highlighted recently when it was revealed that A.I.D. had instructed the field to count as U.S. source and origin Japanese computers. I can understand why A.I.D. would not want us to know the actual numbers, but they do have a responsibility to respond to the Appropriations Committee in its oversight capacity.

Mr. Secretary, I know that when you learn of these matters, you will be as concerned as I am. I want to work with you to solve these problems. Otherwise, we will not be able to sustain support for foreign assistance.

Indeed, I will not support the foreign aid program any longer unless these and related matters are resolved.

I would respectfully suggest that you consider the following actions with respect to these issues.

(1) Request that A.I.D. immediately stop the CIP program in Mozambique until we have assurances that A.I.D. will aggressively seek U.S. vendors for this program, including truck, tractor, and other vehicle manufacturers.

(2) Notwithstanding flexibility for programs in Africa vis-a-vis waivers of Buy America, I would urge that any waivers in Africa or anywhere else be only approved by A.I.D. assistant administrators in Washington. Further, appropriate committees in Congress should be kept apprised when such waivers are executed on a bi-monthly or quarterly basis.

(3) A.I.D. should determine whether there are any other CIP programs of the type in Mozambique which exclude American companies from their benefits.

(4) Consider whether it would be advisable to establish a "Buy American" advocate within A.I.D. to ensure that these things don't happen in the future.

(5) Expand the program which A.I.D. now has involving only one person which seeks to apprise American businesses of opportunities with respect to the foreign aid program.

(6) A.I.D. and its employees must understand that utilizing American manufacturers for foreign assistance procurement is a top priority of the Bush administration.

(7) I would ask that you cease disbursement of funds to the peacekeeping operation in Cambodia until you are given concrete assurances from the U.N. that it will no longer discriminate against American manufacturers.

(8) I would hope that you would instruct the U.S. U.N. mission in New York that it is their responsibility to ensure that American manufacturers are not discriminated against in procurement, and that the treatment afforded Chrysler personnel by the U.S. U.N. mission is unacceptable.

(9) Finally, I request that you ask A.I.D. the following question, and provide the answer to our subcommittee; What is the percentage of U.S. bilateral economic assistance which is utilized to purchase U.S. goods or services?

Mr. Secretary, as I already mentioned, I want to work with you to solve these problems, and I intend to vigorously and publicly pursue these matters. At the same time, I am confident that your own view parallels mine and that these aberrations do not reflect this administration's policies.

Sincerely,

ROBERT W. KASTEN, Jr.

The PRESIDING OFFICER. All time has expired under the control of the Senator from Wyoming.

Mr. COCHRAN. Mr. President, what is the parliamentary situation at this time in the Senate?

The PRESIDING OFFICER. From now until 12:30 we are in morning business. The time is controlled by the majority leader.

Mr. COCHRAN. With the proviso that Members may be recognized therein for 5 minutes each?

The PRESIDING OFFICER. The Senator is correct.

THE ISSUE OF THE ENVIRONMENT

Mr. COCHRAN. Mr. President, I want to compliment the distinguished assistant Republican leader and those who have spoken this morning on the issue of the environment.

I think it is very important for the Senate to recognize the fact that there are some widely divergent views on the subject of the Rio summit in terms of how much the United States should be willing to commit financially to assistance for other countries in complying with any agreements that might result from that conference.

There is also some question about the sacrifice of sovereignty over issues that are particularly the business of sovereign nations in agreements that might be entered into at that conference.

Those are two issues that I think the Senate should consider with some caution, and with a commitment to make sure that whatever agreements we may be called on to ratify serve the interests of the United States not only environmentally, economically, and politically, but are consistent with our nations of our constitutional sovereignty as a Nation.

Having said that, I think it is also important that we recognize the leadership that the United States has already provided in the environmental movement. The example that the United States is setting is very important for the rest of the world. Not only are we developing scientific technologies to deal with threats to environmental quality, but we are also taking action on a wide range of issues, from safe drinking water to clean air to protection of soil and water resources in production agriculture. There are just three areas where this Senator remembers legislation being debated here on the floor and where the Congress has taken action, with the support of the administration, to make sure that we take the necessary precautions; that we have Federal laws and regulations that help protect our environment against damages that we understand can be caused through pollutants, through industrial activity, and in other ways that might jeopardize the health and safety of American citizens.

And so our Congress and this administration have been at the forefront in trying to develop an appropriate response to the challenge of making sure that we have good quality air and water; that we do not damage our natural resources here in the United States unnecessarily; that we try to do what is right to protect this Earth.

I hope that everyone recognizes the fact that the United States should not be approaching the Rio summit as if we are not already very much involved in helping to make a constructive contribution to protecting the quality of life on this Earth, because the United States is at the forefront in many areas, setting an example.

I congratulate the President on his decision to attend the Rio summit. I think it is a very important thing for him to do as a leader in the environmental movement personally, and for the purpose of also helping to bring the influence of the United States to bear in shaping the agreements that might be approved at this summit.

There are two agreements in particular which this administration supports. The Rio Declaration on Environment and Development, and the Agenda 21, both of which were called for in the United Nations resolution that was adopted in 1989, both of which were contemplated in the U.N. resolution as being nonbinding. There may be changes which can be negotiated to improve these agreements, and they should be fully discussed. I think we should not prejudge the negotiating effort and condemn it before it has even begun at the summit. So I hope we can continue to support the President in his effort to provide leadership in this area.

One other point, and that is that I think we should also insist and urge the administration to consider the importance of lending financial assistance to developing nations through the existing Global Environmental Facility, which is administered by U.N. agencies and the World Bank.

It is also my hope that the administration will urge that an agreement be adopted at the summit on forestry management principles. The President has recently announced a major initiative in this area, and he should be applauded for that.

I commend those who have spoken this morning, to suggest that we make sure that we have a thoughtful and balanced approach to the challenges the Rio summit presents.

The Earth summit in Rio de Janeiro is a watershed event and a significant first step by the world community to begin addressing, on a global scale, the need to maintain environmental qual-

ity in conjunction with development activities.

I believe the United States is a leader in the environmental movement. We should continue to take an approach based on facts, and common sense, rather than emotion. The science of modeling the climate is still developing with major disagreements on how to treat the influence of clouds and ocean. Policy decisions, made without benefit of adequate scientific understanding of the complex global change phenomenon, could have far-reaching and unnecessary social and economic impacts.

I commend the President for his environmental leadership and his planned trip to Rio de Janeiro, and I wish him much success in the negotiations in behalf of the United States.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized, and under the previous order, the remaining time until 12:30 is under the control of the majority leader.

Mr. MITCHELL. I thank the Chair.

(The remarks of Mr. MITCHELL, Mr. BIDEN, Mr. PELL, Mr. KENNEDY, and Mr. LEAHY pertaining to the introduction of S. 2808 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MITCHELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware, Mr. BIDEN.

Mr. BIDEN. I thank the Chair.

(The remarks of Mr. BIDEN pertaining to the introduction of S. 2808 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

PRESS CONFERENCE ON A BALANCED BUDGET

Mr. METZENBAUM. Mr. President, this evening the President of the United States will hold a press conference. In this press conference he has asked the national media to carry it on live television during prime time. I do not know whether they will or they will not. But I want to talk about the subject of that press conference because the President reportedly is going to address himself to the balanced budget constitutional amendment.

I do not rise today to speak about that constitutional amendment. I rise today to say that, before the President of the United States goes to that press conference, he ought to do something that he can do and should do and I hope he will do to balance the budget. It is not that difficult.

We read in the paper this morning that the RTC attorneys who are bringing the litigation where there has been fraud against the savings and loan directors are being fired. Why? It is the President's obligation to find out. The President ought to call in the general counsel, Mr. Jacobs, today. He ought to call in the heads of the RTC and say to them, "I want to know why these attorneys are being fired," before he goes to the American people and talks about something in the future about a constitutional amendment to balance the budget.

Mr. President, I say to you, your actions speak louder than your words. I call upon you, I beg of you, I entreat you, I encourage you, I ask you to do something about this action that is costing the American people billions of dollars. We cannot bring back all the losses from the savings and loans, but these men and women, counsel for the RTC, who have been doing a good job—according to the General Accounting Office, according to the statements made before the Banking Committee, according to the report made to the Congress, these people are doing a good job, and for their efforts, they are being asked to leave the service.

And the worst part of it is that they are being fired at the very time that the statutes of limitations are running out on the right to file those lawsuits.

Why? What possible reason can there be to be firing the people who are doing a good job for their Government?

Mr. President, please, before you speak out on the constitutional amendment tonight, which might have some impact, according to your claims—and I do not agree with that—but even those who agree with it, would want to know why, why, Mr. President, you would not want to take some action today that would have some impact upon the whole question of balancing the budget.

The American taxpayers are being called upon to spend $500 billion to bail out the savings and loans, and we are told we can do nothing about it. But these men and women have been doing something about it. I am not sure they have done everything that is perfect. Of course not. But the one man who is in charge, Mr. John Beatty, is no longer in the employ of the RTC. He was asked to leave. Was he a good man? I do not know Mr. Beatty. At least to the best of my knowledge, I do not know Mr. Beatty. But the GAO, the impartial, objective arm of Government that reports to the Congress as to their findings, rated Mr. Beatty an A. Yet, Mr. Beatty is no longer there.

Half of the employees, half of the attorneys are being forced out. There are 465 more savings and loans to investigate, and they are cutting back on the men and women who know what they are doing. And they say they are going to bring in some new people. Sure. It will take 9 months to a year to train those new people, and by that time the statute of limitations will have run out.

What is going on here? The statute of limitations is running out daily with respect to these issues. Yet we find that they are terminating the services of men and women capable of doing the job and who are doing the job. Four out of the five top California attorneys who were involved in bringing these actions in a leadership role are being sent back to the FDIC. Some of those attorneys have been quoted publicly in the Washington Post today. Some attorneys said the RTC General Counsel Jacobs was unwilling to authorize the filing of negligence lawsuits against savings and loan officers and directors.

Why is Mr. Jacobs unwilling to do that? Ask him, Mr. President. Ask him. Every lawyer knows that when you file a lawsuit it does not necessarily mean you are always going to win, but if you have a chance of winning and it is a reasonable chance of winning, you have a responsibility and an obligation, if you represent the Government, to bring the lawsuit. And these lawyers who are being let go were doing just that.

Then you read in the paper that some officers and directors were complaining that they did not want to be sued. Of course, they do not want to be sued. Who would want to be sued? But they were in the position of being officers and directors of savings and loans that have bellied up, that have failed, that are costing the American people billions of dollars. And the American people show their gratitude by terminating them.

Ask them. Ask them, Mr. President, why, before you make a speech telling us about a constitutional amendment to balance the budget.

I am not here to address myself as to whether people should be or not be for the balanced budget constitutional amendment. I am only on the floor because there is a chance to do something about balancing the budget and there is only one person in this Nation that can do anything about it, and this is the President of the United States.

We talk with you about what has happened in this situation. In an August 1991 memorandum to the executive director of the RTC, the RTC general counsel reported that 140 lawyers would be needed to sue those who caused the failure of savings and loans through mismanagement and fraud.

Since that memo, RTC's workload has increased dramatically. The number of claims has more than doubled, and another 100 claims are expected to be filed this year. Yet, to date, less than about a year and a half after that, there are less than 70 attorneys handling fraud suits when the August 1991 memorandum called for 140 lawyers.

And now we learn that the most experienced of those lawyers, the most

knowledgeable attorneys that they have, are being terminated. These are the lawyers who are managing the litigation effort at the RTC. The GAO officials, reviewing the RTC program to find and sue those who cause savings and loan failures, told my staff this morning that two top RTC lawyers lied to the GAO about the cuts. The statement to the GAO came at a May 28 meeting. I will not mention those names on the floor of this Senate. But, Mr. President, I am willing to share those names with you. They should be made available to you, and if you have one of your staffers call, we will be glad to tell them the names of the two RTC lawyers that the GAO says lied to the GAO about the cuts.

Even though the GAO had been investigating the RTC program against fraud for some time, it was not even informed of the plan to cut the program, to cut back on the number of lawyers. The GAO heard about the cuts as a rumor, according to the GAO.

Mr. President, I say to the President of the Senate and the President of the United States, how could this be happening? It is politics of the rankest order. Do they not want to sue any more savings and loan officials? Is that the answer, that they decided they did not want to sue anymore S&L officials? Are they protecting someone? Does somebody have the fix in? Does somebody have an in with this RTC so that they are in a position to bring a cessation of the actions being brought against savings and loan officers and directors? Are they trying to hide the savings and loan bailout before the election? Are they trying to sweep it under the rug? What is going on here?

Every several months, we are called upon to come up with another $30, $50, $70 billion to bail out the savings and loans. But the savings and loans which have gone under did not just happen; there were officers, directors, many of whom were involved in special deals, enriching themselves, their own pocketbooks, they own slimy deals, and they are subject to being sued. But they are not going to be sued if the RTC does not have adequate legal counsel. Instead of adding to the team, they are cutting back on the team.

As to the number of savings and loans involved, the RTC's 1991 annual report said that "62 percent of the failed savings and loans had fraud suspected at them." Listen to that number. The annual report of the RTC said "62 percent of the failed savings and loans had fraud suspected at them." There were 677 failed savings and loans, so that would mean 417 of the 677. Yet, the RTC is cutting back on its best lawyers. It is not an evaluation that this Senator makes; it is an evaluation from the GAO, which is an objective, impartial part of the Government.

Mr. President, I cannot tell you how strongly I ask that we do something about it today, find out why this is happening and put a stop to it. I hope that in your press conference tonight that someone will ask you what you are going to do about it, what you have done about it, and I hope you will be able to say: I have put a stop to it; this afternoon I learned about it and it should not have been happening. We are bringing back the top lawyers, and we will keep the top lawyers who were there. We are going to try to protect the American people.

I think that will mean more to the American people, Mr. President, than a speech about the need for a constitutional amendment to balance the budget.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

TODAY'S "BOXSCORE" OF THE NATIONAL DEBT

Mr. CRAIG. Mr. President, while Senator HELMS of North Carolina is recuperating from his open heart surgery, he asked if I would submit in the RECORD each day the "congressional irresponsibility boxscore" that he started some time ago.

He has done that daily since February 26. I wish to continue to do so, and let me announce that, today, the Federal debt stands at $3,940,928,660,593.31.

On a per capita basis, every man, woman, and child owes of this debt, in this country, $15,345, thanks to the big spenders here in the Congress of the United States.

Paying the interest on this massive debt averaged out to be about $1,127 per year for each man, woman, and child of America—or, to look at it another way, for each family of four, a tab of about $4,511 dollars per year.

It is even more appropriate today, Mr. President, as I give that boxscore, that in the Budget Committee of this Senate, the committee is taking testimony from a variety of experts in constitutional law, as to the feasibility of a constitutional amendment to our Federal budget. As many of us know, the House is now preparing to vote on an amendment, and it appears they will be debating and voting on the 10th and 11th on such an amendment to our Constitution.

Several weeks ago, I introduced a version that I had worked on while in the House with Congressman STENHOLM of Texas.

That version is before us, along with versions of Senator SIMON of Illinois and others that are recognizing the importance, without question, of this phenomenal debt structure that this country has built up and that now must be resolved in a much more exact and clearer form than has ever been proposed before.

Let me ask unanimous consent that my full statement be printed in the RECORD that I prepared for the Budget Committee and for Prof. Laurence Tribe of Harvard who is there today, once a strong opponent of a balanced budget amendment to our Constitution, who is now suggesting that, yes, it is possible and it may in fact be the proper approach to construct an amendment to our Constitution that would require a federally balanced budget. Although he is concerned about the ramifications and the implementation of such an amendment, as I believe we are all are, I believe that clearly the time has come that within the course of the next Monday this Senate will debate and I hope will pass a constitutional amendment that will begin a process that a decade or so from now I or anyone else serving in this body will be able to stand and give a congressional responsibility box score that speaks of a balanced budget, that speaks of a reduction of Federal debt, that speaks of not the progressive indebtedness of future generations and ultimately the destruction of the economy of this country.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR LARRY CRAIG ON THE BALANCED BUDGET AMENDMENT TO THE CONSTITUTION (H.J. RES. 290/S.J. RES. 298)

Today, the Senate Budget Committee is holding hearings on the constitutional law aspects of proposed versions of the balanced budget amendment to the Constitution. These hearings are both welcome and important as we embark on a historic series of debates that, I firmly believe, will finally result in the Congress submitting this amendment to the States for ratification later this month.

I have had a chance to review the written testimony submitted by Prof. Laurence Tribe of Harvard. Professor Tribe has longstanding credentials as an ardent and thoughtful opponent of such an amendment—until now. I am quite please to find, upon reviewing of his written statement, that, on a fundamental level, he is another one of the converts cropping up all over these days in support of the balanced budget amendment.

Professor Tribe now writes that, at a conceptual level, a balanced budget amendment is the kind of provision that fits into the Constitution; he has identified precisely the political and economic reasons why such an amendment would be beneficial, and now remain concerned only that any such amendment must be workable.

I agree with his definition of a constitution as a document meant to "pre-commit ourselves to certain choices and institutional arrangements that will promote our long-run best interests and help us resist the temptations of the short term" and "to provide readily enforceable restraints against destructive short-term impulses". I believe it is imperative that we adopt a balanced budget amendment and I agree that these are standards against which such a proposal should be measured.

I want to focus for a moment on the concerns Professor Tribe nevertheless has raised about the Stenholm-Smith-Carper-Barton

amendment, H.J. Res. 290, the version that will go to the House Floor next week. Over here in the Senate that same version in the Craig-Gramm-Symms-Hatch amendment, S.J. Res 298. I am both honored to and humbled to find myself in the cosponsorship company of some of the Congress' foremost advocates of the balanced budget amendment and a preeminent expert on budget process.

Professor Tribe's written statement notes—correctly—that providing for an estimate of receipts in our amendment means that the budget process would not be reopened continually throughout a fiscal year when there was a revenue shortfall. That is precisely correct and that is intended. In fact, that provision was prompted by Members of Congress—including many of our Democratic cosponsors in the other body—that the system have some flexibility and some procedural certainty. Once we make our budget decisions, we shouldn't spend all year revisiting them.

He also notes—correctly—that, all things being equal, the temptation could exist for both the Congress and the President to use "rosy scenario" estimates of receipts. He also notes—correctly—that simply requiring a three-fifths majority to increase the level of Federal debt held by the public would not, in itself, result in balanced budgets.

From my reading of his statement, however, Professor Tribe seems to analyze these two provisions separately and somewhat abstractly.

Now, when the Framers originally wrote our Constitution, they did not just propose ideas, in the abstract, that sounded like good ideas for a constitution. They drew on their experiences as colonists under a tyrannical monarchy—hence, the Bill of Rights prohibitions on unreasonable search and seizure and quartering soldiers in civilian homes, among others. And they drew on their experiences under the failed Articles of Confederation.

We, too, have had first-hand experiences as to how our current system works and how human nature produces certain predictable patterns in governance. Probably no event is more distasteful for the administration and the congressional leadership in both parties, in both Houses, than the periodic necessity to raise the limit on the Federal debt.

Back in 1985, our colleague from Texas [Senator Gramm] rounded up 51 Senators and held the debt-limit bill hostage until a hostile House of Representatives and some reluctant proceduralists a few blocks down Pennsylvania Avenue gave in and accepted the Gramm-Rudman-Hollings amendment.

Now, administrations and the congressional leadership just hate when a debt limit bill is used for purposes like that. And if the likelihood of such riders was increased, by allowing a Senator to hold that bill hostage with as few as 41 Senators, then, I really believe that our leaders and our President would do anything to avoid that situation—that they would even go so far as to balance the budget and use reasonable revenue estimates. After all, success in avoiding a deficit means success in avoiding a three-fifths vote on increasing the debt held by the public.

Professor Tribe, and some others who have expressed concerns about enforcement and workability, have seemed to overlook the point that these provisions were designed in the Stenholm and Craig-Gramm-Symms-Hatch amendments to interact in this way. They are based on real-life experiences, and would provide a self-enforcement mechanism in the amendment. I have requested that Professor Tribe be offered this information during today's hearing and asked how well the process outlined in our amendment would address the concerns he has raised.

Because the other body does appear ready to go first on a balanced budget amendment, next week, and while I am a cosponsor and strong supporter of S.J. Res 18, the Simon-Thurmond amendment, I also commend my colleagues' attention to our S.J. Res. 298, the exact companion of the version about to be passed by the House.

Mr. CRAIG. I yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

PHARMACEUTICAL INDUSTRY: GOOD MEDICINE FOR MADISON AVENUE

Mr. PRYOR. Mr. President, yesterday morning in the Washington Post, the Pharmaceutical Manufacturers Association ran another ad in its series of well-designed and very expensive advertisements. Yesterday's advertisement, Mr. President, says "Everytime I take my heart medication, I ask myself * * * how can something so small cost so much?" What follows is the explanation of how this medication costs so much.

This ad is part of a $7 million public relations campaign that the pharmaceutical manufacturers recently launched to improve the image of the drug industry inside and outside the Beltway.

Mr. President, guess who is paying for these advertisements? Guess who is paying for this $7 million public relations program?

The same people who cannot afford the medications in the first place—the sick, elderly of our country. Yes, they are the ones who are paying for this advertising campaign.

They are the people who are underwriting the costs of these ads, which have been appearing over the last several weeks, in a number of different journals and newspapers.

The ad says that, according to the studies done by the Pharmaceutical Manufacturers Association, it takes $231 million to bring a new drug to market. This ad concludes by stating "Pharmaceuticals: Good Medicine for America."

The fact of the matter is that it will take more than a very slick advertising campaign and smart slogans to convince us that this industry really cares about the American public's having access to life saving medications. Mr. President, what strikes me about this campaign and what should strike all of us about this particular advertisement material is not what these ads say about the drug industry, but what these advertisements do not say.

Here is what they do not say. Year after year, the drug industry in America continues to tell us how much they invest in research and development. What they fail to tell us is how much they invest in marketing and advertising. They can tell us down to the last dollar their total cost for research and development. Mr. President, the taxpayers, the consumers, help to pay for this research and development. The drug companies can tell us precisely how fast these R&D costs are increasing. They can rattle off time after time the number of new drugs that they have in their so-called research pipeline.

Yet, Mr. President, they give us no more than a shrug of their shoulders when we ask them how much do you spend, Mr. Pharmaceutical Manufacturer, on advertising and on promotion of the new drugs, many of which are basically me-too drugs, with no new therapeutic value? How much are you spending there? They say, well, we do not keep very good track of these expenses. The manufacturers say that they do not really know how much of their exorbitant price increases year after year go to underwrite the lavish marketing and advertising campaigns that they develop to convince doctors to prescribe their products. In fact, just last Monday, Mr. President, a study published in a leading medical journal, the Annals of Internal Medicine and reported on the front page of the Washington Post found that not only are many of these ads wasteful and costly, many of them are misleading and far from educational.

The fact is they do not want us to know how much they spend on marketing, because today, what the drug companies are spending on marketing is more than they are spending on research. For example, although the 1991 data are not in yet, in 1990, the drug industry spent more on marketing and advertising, in fact $1 billion more, than they did on research. They have a nice catchy slogan that they have developed for this $7 million campaign to influence Congress maybe or, as they say, to educate the American public, their slogan is "Pharmaceuticals: Good Medicine for America."

Mr. President, they ought to have another slogan. It ought to be: "Pharmaceuticals: Good Medicine for Our Balance Sheets."

Let me also tell you there is something else that this ad does not say. It does not say that the American taxpayers are already subsidizing a good part of this new drug research and development through hundreds of millions of dollars in generous tax credits and tax breaks that we give to the drug industry each year. It does not say that our own National Institutes of Health

spend billions of dollars each year in research and development on new drugs for AIDS, cancer, Alzheimer's. All of these subsidies help ultimately to reduce the cost of R&D for the drug companies. But do they ever mention one word to the policymakers or the American public about subsidies? Of course not.

In the recent debate that we had on this very floor some weeks ago, on S. 2000, the Prescription Drug Cost Containment Act, we heard the industry and its allies argue that the reason they need these high prices and huge profits is to find the cure for AIDS, Alzheimer's, cancer and other diseases of our time. Without these profits, they say research will go away, it will dry up, and we will kill the "goose that laid the golden egg."

Mr. President, nothing is further from the truth. Even after their $11 billion in research and development investment, the drug industry continues to spend lavishly on marketing and advertising, and still makes monopoly-type profits. In 1991, the drug industry had total sales of some $80 billion in America alone. After counting for their cost of production, and even after counting for their cost of research, this industry still had $50 billion left over to pay for their marketing and advertising campaigns, and to claim the title of America's "most profitable industry."

These ads in the Washington Post, the New York Times, USA Today, Roll Call, and the National Journal just confirm what I have been saying all along: That the drug industry has more money than it knows what to do with. Again, we ask, who is paying for this campaign? I am, and you are, Mr. President, all of us are, in the form of higher drug prices.

It is time now we started setting the record straight. And, although I do not have millions of dollars to spend on advertisements to counter each and every ad placed in the media by the Pharmaceutical Manufacturers Association, I do have, and I think many of us have, a commitment to pointing out the real and simple reason behind the cost of skyrocketing prescription drug prices. And that, Mr. President, is greed.

Mr. President, I thank the Chair for recognizing me and at this time I yield the floor.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

The Chair would advise that the time for morning business was to expire at 12:30.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the time be extended for 8 minutes, so that I may make a few remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mr. CRANSTON. I thank the Chair.

(The remarks of Mr. CRANSTON pertaining to the introduction of S. 2808 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MEETING THE COMPETITION

Mr. LIEBERMAN. Mr. President, recent economic news from Japan has not been good. Although the Japanese economy remains strong, it is in a recession. Are the Japanese finally proving that they are mere economic mortals?

The answer to that question is a flat "No." While Japan may be suffering from an economic slowdown, there are signs that this is merely a retrenchment and that the Japanese economy will be back on track stronger than ever in the not too distant future. Japan appears to be using this slowdown to weed out weaker firms, strengthen stronger ones, and bring inflation-prone sectors, such as real estate, under control.

I am submitting for the RECORD testimony that Dr. Kenneth Courtis, senior economist for Deutsche Bank Asia and a leading observer of the Japanese economy, delivered before the Joint Economic Committee on May 8 which supports that point of view. Dr. Courtis' testimony and the accompanying documentation, paint a very different portrait of Japan than we read about in the daily business section of our newspapers. His conclusion is that the investment gap between Japan and the United States is enormous and continues to widen in Japan's favor at an accelerating rate. He provides sobering statistical data about the realities of world economic competition and the decline of the United States economy relative to Japan's. He concludes that:

In real dollars adjusted for inflation, Japan out-invested the United States in 1991 by $230 billion.

While the United States in recent years invested slightly over 10 percent of its GNP in new plant and capital equipment, Japan invested at twice that rate. Not once in a quarter of a century has the United States invested as much as Japan.

Currently, the United States manufacturing sector is $1.2 trillion annually, while Japan's is $1 trillion. If current investment trends continue, Japan will surpass the United States as the world's largest manufacturing power by 1996.

Assuming these trends continue, Japan will pass the United States as the world's largest economy by 2004.

Perhaps the most painful data Dr. Courtis presented concerns investment per capita. In 1991, Japan invested $5,320 per capita while the United States invested $2,177. Why does this matter as long as we are still close in absolute investment totals? Because these per capita investment figures tell us what we are investing in the job future and standard of living for every American. The data tells us that we are investing less than half what Japan is in the economic future of each of our citizens.

I recommend that my colleagues take a look at Dr. Courtis' testimony as we consider our own economic future. My intention is not to take aim at Japan, but ask that we take aim at ourselves and what we need to do to get our economy back on track. I ask unanimous consent that Dr. Courtis' testimony and its attachments be printed in the RECORD immediately following my statement.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT BY DR. KENNETH COURTIS BEFORE THE JOINT ECONOMIC COMMITTEE, MAY 8, 1992

Good Morning, my name is Kenneth Courtis; I am First Vice-President of Deutsche-Bank Capital Markets, and lecture at Tokyo and Keio Universities. As Strategist and Senior Economist for the Deutsche Bank Group in Asia, I conduct analysis on major economic, industrial, technological and financial developments in Japan and the Pacific, and attempt to assess their impact on the world economy. It is an honour to be with you today.

You have asked me today to address the questions of recent developments in Japan's domestic economy and financial markets, the longer-term trends at work in the Japanese economy, and to compare these with U.S. industrial performance.

Japan today is facing a number of serious problems. After five years of unprecedented expansion, during which the economy grew by an amount equal to the entire annual GNP of France, the world's fourth largest economy, Japan is today in recession. Although both the equity and real estate markets have fallen substantially from the peak of early 1990, both markets are yet to bottom. More pain is ahead. Caught in the tightening jaws of a policy-induced liquidity squeeze, a sharp decline in earnings, and the inability to raise new funds in the equity market, corporate Japan has entered still another phase of sharp cost cutting, and rationalization.

One immediate result of this situation is that wage increases this year will be the lowest since 1985, and so consumer spending, which has already slowed from the heady pace of the late 1980's, will slow still further. That is the key reason why imports to Japan have been so weak in recent months, and are set to remain anemic during the period ahead. At the same time, Japan's exports have surged.

The direct and immediate result of these dynamics is that Japan is currently running a trade account surplus at an annual rate of $132 billion. That is two and half times the trade surplus in 1984, on the eve of the Plaza Accord which was presented at the time as the panacea for eliminating Japan's trade surplus.

The key reason that Japan's exporters have moved so aggressively back on to the attack in world markets, however, is not the recession in Japan's domestic economy. Rather, it is the result of the unprecedented levels of private sector plant and equipment investment and the building commitment to

research and development that now characterize Japan's domestic economy.

From 1986 through the end of last year, total private sector plant and equipment investment in Japan's domestic economy exceeded $3 trillion dollars. In addition, Japan committed another $500 billion to research and development. It is this massive investment that has been critical to the strategic repositioning of the Japanese economy since the mid-1980's and which, despite the present recession, positions Japan to continue to have the fastest growing economy in the OECD economy through the 1990's.

Indeed, rather than the current recession announcing the eclipse of Japan as an economic super-power, analysis of the deeper, long-term forces at work in the economy suggests that the effect of the current transition will be to set the economy on track for a new period of explosive expansion, and a still stronger international competitive position than the country enjoys today.

Further, should current long-term trends continue, I expect Japan to become the world's number one manufacturing power by the mid-1990's, and surpass the United States as the world's largest economy early in the next decade. That would perhaps leave the United States as the world's leading political power, but would mean that America would have slipped to second place as a world economic power.

Today, America's manufacturing sector is roughly $1.2 billion and that of Japan $1 trillion. Should present trends remain in place, Japan's manufacturing sector would exceed that of the United States in absolute terms as early as 1996.

Three forces at work in the economies of Japan and the United States are key to driving these shifts in the international economic, industrial, and financial balance of power:

1. A building investment gap between Japan and the United States which is seeing Japan widely out-distance America in the installation of new investment in plant and equipment.

2. As widening deployment gap that see Japan deploy state of the art manufacturing equipment faster and more widely than the United States.

3. An expanding performance gap which is seeing Japan's leading corporations play an increasingly dynamic and leading a role overall in an ever larger number of critical industrial sectors for the future.

Of these, the most striking factor is the investment gap between Japan and the United States.

In absolute dollar terms, Japan has been out-investing the United States by an increasing amount since the late 1980's. On the basis of nominal data, Japan out invested the United States by just over $110 billion in 1991.

When one thinks of the relative price structure of the two countries, the widely documented difference in prices between the two countries leads at first to think that nominal figures overstate the investment gap. Is it not the case that typically Japanese products that one finds in the shops of America are cheaper then they are in Japan?

That certainly is the case for a wide variety of consumer products. But when one considers only investment goods, it is the reverse that is the case. Capital equipment is typically cheaper in Japan than it is abroad. As a result, when investment figures are set on a real basis, after adjusting for inflation, the investment gap widens still further, and was some $230 billion last year.

But even these figures do not allow to measure the real extent of the building investment gap between Japan and the United States.

Japan's economy is only three-fifths that of the United States, and its population is only just half of that of America. What is critical from an international competitive perspective is not absolute dollar values of capital investment, but rather the investment effort a country is making relative to its overall GNP.

From this perspective, not once in a quarter of a century has America invested as much as Japan. And the gap has doubled since the mid-1980's such that while America has invested just over 10% of its GNP in new plant and capital equipment in recent years, Japan has climbed up to 20% of its GNP.

In absolute dollar terms, on an inflation-adjusted basis, that means that Japan out-invested America last year by some $440 billion. While capital investment will be down this year and next in Japan because of the recession, this already massive investment gap is set to widen still further through mid-decade.

When measured on a per capita basis, which analysts agree is the most appropriate base of measure, the investment gap takes on its full, critical importance. In 1991, Japan invested some $5,320 per capita, while America invested $2,177. When measured on a total population basis, that means that the investment gap was an enormous $794 billion dollars in 1991.

Some analysts contest these figures and argue that purchasing price parity (PPP) adjustments to the data must be made in order to take a real measure of the comparable investment effort being made in the two economies. With estimates of the PPP yen to dollar exchange varying between 138 and 212 yen to the dollar, it is far from clear how useful such calculations are for analytical work.

Further, PPP calculations are based on comparable baskets of consumer goods, between economies, and so do not capture what is really at issue: the international competitive effect of the widely different investment effort being made by Japan and the United States. Since capital equipment is typically cheaper in Japan than the U.S., it makes little sense to use the consumer PPP to measure differing levels of investment between the two nations.

But even when the PPP exchange rate most favorable to the United States is used, the trend to a widening investment gap remains unchanged. America's investment gap with Japan is absolutely enormous and continues to expand on a long-term basis.

Mr. Chairman, I would ask permission at this point to submit for the record a series of charts on the investment performance of the United States and Japan.

I would be happy to respond to any questions. Thank you.

JAPAN AND UNITED STATES—THE WIDENING INVESTMENT GAP AND THE EMERGING RESEARCH GAP

(By Kenneth S. Courtis, Strategist and Senior Economist, Deutsche Bank Capital Markets (ASIA)

(Hong Kong and Tokyo, May 1992)

JAPAN AND UNITED STATES TOTAL CAPITAL INVESTMENT

[In nominal billions of U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	163	173	194	217	317	386	498	534	596	661
United States	414	400	469	504	492	497	545	571	587	550
Investment gap (United States minus Japan)	251	227	275	287	175	111	47	37	−9	−111

Note.—Data are nominal and based on total private sector plant and equipment investment for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES CAPITAL INVESTMENT TO GNP

[Percent of nominal GNP]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	14.9	14.5	15.2	16.1	15.9	15.9	17.1	18.5	19.5	19.5
United States	13.1	11.7	12.4	12.5	11.5	10.9	11.1	10.9	10.6	9.7
Investment gap (United States minus Japan)	−1.8	−2.8	−2.8	−3.6	−4.4	−5.0	−6.0	−7.6	−8.9	−9.8

Note.—Data are based on total nominal private sector plant and equipment investment for Japan and United States. Currency conversions are based on PPP exchange from IMF.

JAPAN AND UNITED STATES CAPITAL INVESTMENT PER CAPITA

[In nominal U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	1,372	1,449	1,610	1,791	2,601	3,159	4,057	4,331	4,672	5,320
United States	1,783	1,707	1,979	2,106	2,036	2,037	2,213	2,308	2,348	2,177
Investment gap (United States minus Japan)	411	258	369	315	−565	−1,122	−1,844	−2,023	−2,324	−3,143

Note.—Data are based on total nominal private sector plant and equipment investment for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES TOTAL CAPITAL INVESTMENT

[In real billions of U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	164	178	198	222	331	422	552	590	640	725
United States	418	406	473	504	483	481	513	524	530	495
Investment gap (United States minus Japan)	253	228	275	282	152	59	−39	−66	−110	−230

Note.—Data are based on total real private sector plant and equipment investment for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES CAPITAL INVESTMENT TO GNP

[Percent of real GNP]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	15.8	15.8	16.7	18	18.5	19.2	21.2	23.2	25.1	25.3
United States	11.6	11.0	12.5	12.5	11.8	11.8	12.3	11.7	11.6	11.2
Investment gap (United States minus Japan)	−4.2	−4.8	−4.2	−5.5	−6.7	−7.4	−8.8	−11.5	−13.5	−14.1

Notes.—Data are based on total real private sector plant and equipment investment for Japan and United States. Current conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES CAPITAL INVESTMENT PER CAPITA

[In real U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	1,375	1,455	1,615	1,791	2,635	3,257	4,201	4,527	4,831	5,491
United States	1,800	1,733	1,996	2,106	1,999	1,972	2,083	2,118	2,120	1,960
Investment gap (United States minus Japan)	425	278	381	315	−636	−1,285	−2,118	−2,409	−2,711	−3,531

Note.—Data are based on total real sector plant and equipment investment for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES TOTAL CAPITAL INVESTMENT

[In billions of U.S. dollars on a PPP basis]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	147	161	188	217	287	316	382	404	411	464
United States	414	400	469	504	492	497	545	571	587	550
Investment gap (United States minus Japan)	267	239	281	287	205	181	163	167	176	86

Note.—Data are based on total real private sector plant and equipment investment for Japan and United States. Currency conversions are based on PPP exchange rate from IMF.

JAPAN AND UNITED STATES CAPITAL INVESTMENT PER CAPITA

[In U.S. dollars on a PPP basis]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	1,240	1,351	1,584	1,791	2,356	2,586	3,108	3,275	3,317	3,735
United States	1,783	1,707	1,979	2,106	2,036	2,037	2,213	2,308	2,348	2,177
Investment gap (United States minus Japan)	543	356	395	315	−320	−549	−895	−967	−969	−1,558

Note.—Data are based on total private sector plant and equipment investment for Japan and United States. Currency conversions are based on PPP exchange from IMF.

JAPAN AND UNITED STATES PER CAPITA INVESTMENT GAP ON A TOTAL UNITED STATES POPULATION BASIS

[In billions of U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Nominal (PPP basis)	−126	−83	−94	−75	77	134	220	239	242	394
Real (PPP basis)	−129	−88	−101	−75	94	169	279	323	327	478
Nominal	−95	−60	−87	−75	137	274	454	500	581	794
Real	−98	−65	−90	−76	154	302	522	596	678	891

JAPAN AND UNITED STATES INVESTMENT GAP ON A PROPORTION OF GNP BASIS

[in billions of U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Nominal (PPP basis)	17	31	35	48	79	87	134	166	187	232
Real (PPP basis)	43	55	53	74	119	144	192	242	267	309
Nominal	20	33	36	48	87	121	174	220	264	332
Real	20	33	36	48	87	121	174	220	264	440

JAPAN AND UNITED STATES TOTAL R&D

[in billions of nominal U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	26	30	33	37	55	68	83	86	90	100
United States	81	88	100	116	122	128	136	145	151	157
Investment gap (United States minus Japan)	55	58	67	79	67	60	53	59	61	57

Note.—Data are nominal and based on total R&D spending for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES R&D PER CAPITA

[In nominal U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	221	253	276	308	448	556	675	695	725	854
United States	349	376	422	485	503	523	554	585	603	622

JAPAN AND UNITED STATES R&D PER CAPITA—Continued

[In nominal U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Investment gap (United States minus Japan)	128	123	146	177	55	−33	−121	−110	−122	−232

Note.—Data are nominal and based on total R&D spending for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES R&D TO GNP

[Percent of nominal GNP]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	2.4	2.5	2.6	2.8	2.7	2.8	2.9	3.0	3.0	3.1
United States	2.6	2.6	2.6	2.9	2.8	2.8	2.8	2.8	2.7	2.8
Investment gap (United States minus Japan)	.2	.1	.....	.1	.1	.....	−.1	−.2	−.3	−.3

Note.—Data are based on total R&D spending for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES TOTAL R&D

[In real billions of U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	27	31	34	37	55	68	84	85	89	102
United States	87	92	102	116	120	124	129	133	134	137
Investment gap (United States minus Japan)	60	61	68	79	65	56	45	48	45	35

Note.—Data are based on total real R&D spending for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES R&D TO GNP

[Percent of real GNP]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	2.4	2.5	2.6	2.8	2.8	2.9	2.9	3.1	3.2	3.3
United States	2.4	2.5	2.6	2.9	2.9	2.9	2.9	2.9	2.9	3.0
Investment gap (United States minus Japan)	.....	.....	.....	.1	.1	.....	.....	−.2	−.3	−.3

Note.—Data are based on total real R&D spending for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES R&D PER CAPITA

[In real U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	229	259	279	308	448	559	681	690	716	822
United States	375	393	432	486	497	509	526	536	537	544
Investment gap (United States minus Japan)	146	134	153	178	49	−50	−155	−154	−179	−278

Note.—Data are based on total real R&D spending for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES R&D GAP ON A PROPORTION OF GNP BASIS

[In billions of U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Nominal (PPP basis)	−6.3	−3.4	0	−4	−4.3	0	4.9	10.4	16.6	17
Real (PPP basis)	0	0	0	4.1	−4.2	0	0	9.2	13.9	13.8
Nominal	−6.3	−3.4	0	−4.4	−4.3	0	4.9	10.5	16.5	22.7
Real	−3.6	0	0	4.1	4.2	0	0	9.1	13.9	13.8

JAPAN AND UNITED STATES PER CAPITA R&D GAP ON A TOTAL UNITED STATES POPULATION BASIS

[In billions of U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Nominal (PPP basis)	−39	−36	−38	−43	−22	−13	−1	−4	−7	8
Real (PPP basis)	−35	−33	−36	−42	−23	−17	−9	−15	−22	−6
Nominal	−30	−29	−34	−42	−13	8	30	27	31	59
Real	−34	−31	−36	−43	−12	12	38	38	45	70

EULOGY TO AMBASSADOR PHILIP C. HABIB

Mr. SYMMS. Mr. President, on May 25, the Nation lost one of its great diplomats and a truly fine human being and a man I considered a friend and trusted adviser. Ambassador Philip C. Habib was 72 years old when he suffered a fatal heart attack while traveling in France. His survivors include Marjorie, his wife of 50 years, and two daughters, Phyllis and Susan.

Over three decades in the Foreign Service, Philip Habib gained a reputation as a tough, blunt, direct, and highly successful negotiator. As described by Henry Kissinger in his memoirs, Habib was "the antithesis of the public stereotype of the elegant, excessively genteel Foreign Service officer." Indeed, he was. And those character traits were rewarded with some of the great diplomatic successes of 20th century American diplomacy.

From 1968 to 1971, Mr. Habib was a principal negotiator in the Paris talks that led to the American withdrawal from Vietnam. Years later, as Under Secretary of State for Political Affairs, he laid the groundwork for the Egyptian/Israeli peace accords. And in the early 1980's, called out of retirement by President Reagan, Ambassador Habib negotiated an agreement between Israel and Lebanon which, though never ratified, did help end the violence then tearing the Lebanese people apart in civil war.

Apart from his most distinguished career as a Foreign Service officer, during which time he rose to the highest post available to a career diplomat, Ambassador Habib was a proud and active alumnus of my alma mater, the University of Idaho. In the 1940's, he

graduated from the College of Forestry and Wildlife and Range Sciences, and he went on to obtain his Ph.D. in agricultural economics at the University of California at Berkeley.

After retiring from the State Department, the Ambassador established an endowment at the University of Idaho for the study of environmental issues and world peace. I know the entire university community in Moscow, Idaho is proud of this distinguished alumnus and the legacy he has left to them.

I ask unanimous consent that a New York Times article and an obituary appearing in the Washington Post be printed in the RECORD following my remarks, and I take this opportunity to offer my sincere condolences to Mrs. Habib and her family. I hope they will take comfort in the knowledge that their husband, father, and friend dedicated his intellect and talent to the enduring benefit of his Nation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 27, 1992]

PHILIP C. HABIB, LEADING U.S. DIPLOMAT IN ASIA AND MIDDLE EAST, IS DEAD AT 72

(By Catherine S. Manegold)

Philip C. Habib, a Brooklyn-born Lebanese-American who was one of the United States policymakers in the Middle East and Asia for decades, died Monday while vacationing in France. He was 72 years old.

Mr. Habib died of a heart attack, the United States Embassy said. He lived in Belmont, Calif.

Mr. Habib served in the Foreign Service for nearly three decades, and many years in retirement as a trouble-shooter, crafting for himself a reputation as a tough and shrewd negotiator. He is credited with helping to arrange the cease-fire in Lebanon and the Palestine Liberation Organization's withdrawal from that country in 1982 following the Israeli invasion. He also played an important role in persuading President Ferdinand E. Marcos of the Philippines to go into exile in 1986.

ADVISOR TO THREE ADMINISTRATIONS

A former Ambassador to South Korea, he helped craft foreign policy across the region both in that capacity and later as a top advisor to three Administrations. Although he officially retired from the Foreign Service in 1978, citing health problems, he was recalled just a year later to work as a special adviser to Secretary of State Cyrus R. Vance.

He became known as a tough troubleshooter on behalf of the United States. His final assignment came in 1987, when he was called upon by President Reagan to be a special envoy in Central America. He resigned that post, and severed his ties with Government in August of that year.

Just before his death, Mr. Habib had travelled to Evian, France to give a speech at the Bilderberg Conference, an annual meeting of European and United States scholars and intellectuals. Dr. Henry A. Kissinger, who also spoke at that conference, yesterday recalled Mr. Habib as "every Secretary of State's ideal of a great foreign service officer."

MET IN VIETNAM

Dr. Kissinger first met Mr. Habib in Vietnam in the mid 1960's and recalled having been immediately impressed with his acumen and irreverence.

"I was taken to meet him by Ambassador Lodge," Dr. Kissinger said in a telephone interview, referring to Henry Cabot Lodge, who was then United States Ambassador to Saigon. "And when I met him, he said, 'I bet you are one of those Harvard smart alecs who knows everything.' Then he told me to go to the provinces and 'see what was really going on.'"

In his speech at the Bilderberg Conference, Mr. Habib spoke about the need to maintain the North Atlantic Treaty Organization and the importance of America's ties with Europe. Then, according to those who attended, in a departure from his usual preoccupations with foreign affairs, he spoke at length about United States domestic issues, stressing the need for America to stand by its moral principles.

Friends said his involvement in that conference was typical of the elder statesman who, despite near fatal heart attacks dating to the late 1970's and two open-heart surgeries, never abandoned his interest in world affairs.

"He had no business going to these things," said Leslie H. Gelb, a former Pentagon and State Department official who worked with Mr. Habib in the 1960's at the height of the Vietnam conflict. "But he wanted to live, not just stay alive." Mr. Gelb is now a columnist with The New York Times.

REMEMBERED BY FRIENDS

Mr. Habib was remembered yesterday by friends as a man of zest, creativity and relentless earnestness in the face of great odds.

"He was the guy everybody knew," said Morton Abramowitz, the president of the Carnegie Endowment for International Peace, and a veteran of 30 years in the State Department, "Phil's career runs the gamut of all U.S. foreign policy. But he was particularly involved in the transformation of Asia. He contributed fundamentally to the shaping of foreign policy in that area."

Although Mr. Habib's expertise in the Foreign Service was mostly in Asia, particularly in Vietnam in the 1960's, where he was involved in the behind-the-scenes politics in Washington that eventually led President Johnson in 1968 to press for a negotiated end to the war, he was perhaps best remembered in later years for his work in the Middle East.

LEBANESE FROM BENSONHURST

A Lebanese Maronite Christian who grew up in a predominantly Jewish section of Bensonhurst, Mr. Habib became Undersecretary of State for Political Affairs in 1976. He remained in that post in the new Carter Administration and continued until he suffered the first of his heart attacks in December 1977.

In retirement, he became a popular trouble-shooter for President Reagan. He was called upon to help hammer out a peace settlement in Lebanon, which later collapsed. For that work, he was awarded the Presidential Medal of Freedom, in 1982.

In fact, his diplomatic career started almost on a whim. According to his daughter, Phyllis, Mr. Habib had planned a career as a forest ranger. A graduate of the College of Forestry and Wildlife and Range Sciences at the University of Idaho, Mr. Habib was studying for his Ph.D. in agricultural economics at the University of California at Berkeley when spotted a notice for a test to enter the State Department. "He decided to take the test," said Ms. Habib. "And he passed it." His first assignments took him to posts in Canada and New Zealand.

The Vietnam War changed his life, however, and established his career as a diplomat.

"He was one of my heroes," Mr. Kissinger said. "The great thing about him was that he was a terrific soldier." Inside the State Department he won a reputation as a man who would fight over issues about which he cared deeply. Yet he was known, too, as a professional who followed orders.

During his tenure as Secretary of State, Mr. Kissinger said he relied heavily on Mr. Habib's advice. "I might not do what he said," he recalled. "But I wouldn't make a move without finding out what he thought."

Mr. Habib, a gourmet and connoisseur of fine wines, was on a vacation with friends in the Puligny/Montrachet, in the Côte d'Or region, when he collapsed, his daughter, said Agence France-Presse, the French news agency, reported that he suffered a heart attack at his hotel and could not be revived by a medical team.

Mr. Habib was living in retirement in the family's home of 17 years in Belmont, California. He was a Senior Research Fellow at the Hoover Institution at Stanford University, and was on the Board of Directors of the American University in Beirut. He also served on the Board of Directors of the Audi Bank of California, according to his daughter.

After his retirement, Mr. Habib remained an active alumnus of the University of Idaho where he set up the Philip Habib Endownment for the Study of Environmental Issues and World Peace.

Among other honors, Mr. Habib was decorated commander of France's Legion of Honor in 1988.

He is survived by his wife, Marjorie W. Habib; two daughters, Phyllis, and Susan W. Michaels of Vestal, N.Y. and a granddaughter, Maren K. Michaels.

[From the Washington Post, May 27, 1992]

PHILIP C. HABIB, 72, DIES; U.S. PEACE NEGOTIATOR

(By J.Y. Smith)

Philip C. Habib, 72, a career State Department official whose mastery of complex situations, skill at negotiation and seemingly inexhaustible patience led to key roles in efforts to bring peace to Vietnam, the Middle East and Central America, died of a heart attack May 25 in Puligny-Montrachet, France.

A resident of Belmont, Calif., since retiring from the State Department in 1978, he was on a private visit to the wine country of Burgundy when he was stricken.

The State Department issued a statement yesterday hailing Mr. Habib for his "profound contribution to U.S. foreign policy" and the "enduring legacy" of his work. It described him as a "man of great courage, unparalleled tenacity, high intellect and deep warmth."

From 1968 to 1971, Mr. Habib was a member of the U.S. delegation to the Paris talks that eventually ended the U.S. involvement in Vietnam, and for part of that the time he was acting head on the delegation. Throughout his tenure his knowledge of the situation was regarded as crucial to the U.S. side, and he conducted some of the most difficult sessions with the North Vietnamese himself.

His next post was as ambassador to South Korea, where he served from 1971 to 1974. Recalled to Washington, he was named assistant secretary of state for East Asian and Pacific affairs. In 1976, he was promoted to undersecretary of state for political affairs, the highest post available to a career official.

Mr. Habib received that appointment from President Gerald R. Ford, and he continued

in the job under President Jimmy Carter. He laid the groundwork for the Camp David Accords—the result of the dramatic meeting at the presidential retreat at Camp David, Md., of Carter, Israeli Prime Minister Menachem Begin and Egyptian President Anwar Sadat to discuss a settlement of the Arab-Israeli dispute.

Mr. Habib's retirement in 1978 was prompted by a heart attack—it was his second in six years—and he became a visiting professor at Stanford University and then a research fellow at the Hoover Institution.

In 1981, he was summoned by President Ronald Reagan to be his personal representative to the Middle East. The particular flash point at the time was Lebanon, torn by civil war and harried by rapacious neighbors. During two years of shuttle diplomacy Mr. Habib searched for a way to end the violence. Partly as a result of this work, Secretary of State George P. Shultz negotiated an agreement between Israel and Lebanon, but it foundered on Syrian intransigence and was never ratified. Mr. Habib, no longer welcome to the Syrians, returned to private life.

In 1986, Reagan called again. This time it was to appoint him a special envoy to the Philippines. In the same year, he was named a special presidential envoy to Central America. In 1987, he resigned when the administration ignored his advice to join an initiative that was started by other Central American governments to bring peace to Nicaragua.

Born in Brooklyn, N.Y., the son of a Lebanese grocer, Philip Charles Habib grew up a Catholic in a Jewish neighborhood. He graduated from the University of Idaho. After World War II service in the Army, he went to the University of California at Berkeley, where he earned a doctorate in economics. (His dissertation was on the economics of the lumber industry.)

By the time the degree was conferred in 1952, Mr. Habib had embarked long since on his career in diplomacy. In 1949, he was commissioned a foreign service officer. His first posts were in Ottawa and Wellington, New Zealand. He then returned to Washington. From 1958 to 1960, he was consul general in Port-of-Spain, Trinidad.

In 1962, after another period in Washington, he joined the U.S. Embassy in South Korea as political counselor. In 1965, with U.S. involvement in Vietnam deepening, he was assigned to the U.S. Embassy in Saigon, where he was chief political adviser to Ambassador Henry Cabot Lodge. In 1967, he returned to Washington as deputy assistant secretary of state for East Asian and Pacific affairs.

By that time, Mr. Habib was recognized as the State Department's leading authority on Southeast Asian affairs. He was thus a natural choice to join the talks in Paris that opened that year.

In his memoirs, former secretary of state Henry Kissinger described Mr. Habib as being "the antithesis of the public stereotype of the elegant, excessively genteel Foreign Service officer. He was rough, blunt, direct, as far from the 'striped-pants' image as it is possible to be."

W. Averell Harriman, one of those who served as chief U.S. representative at the Paris talks during Mr. Habib's time there, once remarked that a notable strength of Mr. Habib was his ability "to understand the other man's point of view." Many colleagues remarked on Mr. Habib's capacity for hard work, and he himself was quoted as saying, "If you are working 9 to 5 and if your wife is contented, you are not doing your job."

Mr. Habib was a former president of the Foreign Service Association and a recipient of the Rockefeller Public Service Award, the President's Award for Distinguished Public Service and the Presidential Medal of Freedom.

Survivors include his wife, the former Majorie W. Slightam, whom he married in 1942, and two daughters, Phyllis and Susan.

JACKSON STATE UNIVERSITY GOLF TEAM WINS NATIONAL TITLE

Mr. COCHRAN. Mr. President, over the years, the college and university athletic teams from Mississippi have been very successful in national athletic competition, especially in baseball, basketball, and football. Now, I am happy to report that another sport has been added to this list by the Jackson State University golf team.

Coached by Eddie Payton, the Tigers' varsity golf team recently won the National Minority Golf Championship for the third consecutive year. Jackson State won out over 14 other teams on the links in Cleveland, OH.

Under Coach Payton's guidance, the team's score of 620 led the field with South Carolina State second at 627, and Texas Southern and Hampton Institute tying for third with a 637 score.

I take this opportunity to commend the Jackson State University golf team for this significant and impressive accomplishment. It is difficult enough to win even one national tournament championship, but to win 3 years in a row is indeed a remarkable testament to the skill and dedication of these young golfers and to the excellent coaching they have received.

I am sure we will see the Jackson State golf team continue to be a contender for additional honors. I congratulate them for their outstanding performance and extend to them my best wishes for much success in the future.

A POLITICIAN'S DREAM

Mr. ROTH. Mr. President, the political economist, Henry George, once wrote that "We must pay the greatest attention to our public affairs; we should be prepared to change our minds, to renounce our old views and adopt new ones. We should cast prejudices aside and argue with a completely open mind." He wrote that "A sailor who raises the same sail regardless of changes in the direction of the wind will never reach his port."

Mr. President, it is with respect for a former colleague of ours that I come to the floor today—a colleague who I believe has some insight and advice for each one of us. All of us know of—and many of us have the opportunity of knowing—George McGovern, the distinguished Senator from South Dakota and Democratic Presidential candidate in 1972.

In the June 1 edition of the Wall Street Journal, George McGovern demonstrates that he pays attention to our public affairs; he is a man who is willing to change and adopt new views. And he encourages each of us to do the same. His opinion-editorial, entitled "A Politician's Dream Is a Businessman's Nightmare," outlines the experience and frustration George McGovern suffered trying to do business with the regulations, tax burdens, and liabilities that spill forth from this Hill and from State legislatures around the country like water from a broken dam. We forget sometimes that as legislators—most often keeping ourselves exempt from the laws we pass—that we are standing on the dry ground.

It is the people trying to keep the economy alive in the valley that are washed away. This happened to George McGovern and his Stratford Inn in Connecticut. In retrospect he writes:

> I * * * wish that during the years I was in public office, I had had * * * first hand experience about the difficulties business people face every day. That knowledge would have made me a better U.S. Senator and a more understanding presidential contender.

He goes on to explain how needless regulations, Federal, State, and local rules—many that he says he supported—created impossible conditions for doing business. He writes:

> While I never * * * doubted the worthiness of any of (the) goals, the concept that most often eludes legislators is: "Can we make consumers pay the higher prices for the increased operating costs that accompany public regulation and government reporting requirements with reams of red tape." It is a simple concern that is nonetheless often ignored by legislators.

Mr. President, we cannot afford to ignore this wisdom any longer. Our policies must keep the economy in mind. We must provide a foundation upon which the great American entrepreneur can build the great American economy. Government cannot create prosperity. We cannot tax or regulate a future filled with opportunity for our workers and their families. But as our former colleague now realizes, our stewardship requires that we encourage an environment, as he says, "where entrepreneurs will risk their capital against an expected payoff." We are not doing this now; but we must begin immediately.

I ask unanimous consent that the opinion-editorial by George McGovern be submitted in the RECORD. And I laud his courage to share the experience of a very difficult lesson with those of us who can benefit from his wisdom.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A POLITICIAN'S DREAM IS A BUSINESSMAN'S NIGHTMARE

(By George McGovern)

"Wisdom too often never comes, and so one ought not to reject it merely because it comes late."—Justice Felix Frankfurter.

It's been 11 years since I left the U.S. Senate, after serving 24 years in high public of-

fice. After leaving a career in politics, I devoted much of my time to public lectures that took me into every state in the union and much of Europe, Asia, the Middle East and Latin America.

In 1988, I invested most of the earnings from this lecture circuit acquiring the leasehold on Connecticut's Stratford Inn. Hotels, inns and restaurants have always held a special fascination for me. The Stratford Inn promised the realization of a longtime dream to own a combination hotel, restaurant and public conference facility—complete with an experienced manager and staff.

In retrospect, I wish I had known more about the hazards and difficulties of such a business, especially during a recession of the kind that hit New England just as I was acquiring the inn's 43-year leasehold. I also wish that during the years I was in public office, I had had this firsthand experience about the difficulties business people face every day. That knowledge would have made me a better U.S. senator and a more understanding presidential contender.

Today we are much closer to a general acknowledgment that government must encourage business to expand and grow. Bill Clinton, Paul Tsongas, Bob Kerrey and others have, I believe, changed the debate of our party. We intuitively know that to create job opportunities we need entrepreneurs who will risk their capital against an expected payoff. Too often, however, public policy does not consider whether we are choking off those opportunities.

My own business perspective has been limited to that small hotel and restaurant in Stratford, Conn., with an especially difficult lease and a severe recession. But my business associates and I also lived with federal, state and local rules that were all passed with the objective of helping employees, protecting the environment, raising tax dollars for schools, protecting our customers from fire hazards, etc. While I never doubted the worthiness of any of these goals, the concept that most often eludes legislators is: "Can we make consumers pay the higher prices for the increased operating costs that accompany public regulation and government reporting requirements with reams of red tape." It is a simple concern that is nonetheless often ignored by legislators.

For example, the papers today are filled with stories about businesses dropping health coverage for employees. We provided a substantial package for our staff at the Stratford Inn. However, were we operating today, those costs would exceed $150,000 a year for health care on top of salaries and other benefits. There would have been no reasonably way for us to absorb or pass on these costs.

Some of the escalation in the cost of health care is attributed to patients suing doctors. While one cannot assess the merit of all these claims, I've also witnessed firsthand the explosion in blame-shifting and scapegoating for every negative experience in life.

Today, despite bankruptcy, we are still dealing with litigation from individuals who fell in or near our restaurant. Despite these injuries, not every misstep is the fault of someone else. Not every such incident should be viewed as a lawsuit instead of an unfortunate accident. And while the business owner may prevail in the end, the endless exposure to frivolous claims and high legal fees is frightening.

Our Connecticut hotel, along with many others, went bankrupt for a variety of reasons, the general economy in the Northeast being a significant cause. But that reason masks the variety of other challenges we faced that drive operating costs and financing charges beyond what a small business can handle.

It is clear that some businesses have products that can be priced at almost any level. The price of raw materials (e.g., steel and glass) and life-saving drugs and medical care are not easily substituted by consumers. It is only competition or antitrust that tempers price increases. Consumers may delay purchases, but they have little choice when faced with higher prices.

In services, however, consumers do have a choice when faced with higher prices. You may have to stay in a hotel while on vacation, but you can stay fewer days. You can eat in restaurants fewer times per month, or forgo a number of services from car washes to shoeshines. Every such decision eventually results in job losses for someone. And often these are the people without the skills to help themselves—the people I've spent a lifetime trying to help.

In short, "one-size-fits-all" rules for business ignore the reality of the market place. And setting thresholds for regulatory guidelines at artificial levels—e.g., 50 employees or more, $500,000 in sales—takes no account of other realities, such as profit margins, labor intensive vs. capital intensive businesses, and local market economics.

The problem we face as legislators is: Where do we set the bar so that it is not too high to clear? I don't have the answer. I do know that we need to start raising these questions more often.

A KILLER BEE AMENDMENT?

Mr. BYRD. Mr. President, some decades ago, agronomists and entomologists in Brazil wanted to produce a better honey bee.

According to those scientists, the old, comfy honey bee common in North and South America was too easygoing, too docile, and too stingy in making honey.

Somebody down in Brazil got the notion of crossing their domestic honey bees with African honey bees.

The perfect answer, they said.

Over millions of years, African honey bees had been forced to compete against all kinds of enemies. To survive, the African honey bees had evolved into fierce, strong, and vicious combatants. Lions, hyenas, elephants—it did not matter. Whatever got in the way of the African honey bee got the devil stung out of it. In great swarms, African honey bees would attack a potential enemy and sting it and sting it and sting it until it died.

The Brazilians corralled a swarm or two of African honey bees and brought them across the Atlantic. Then, the scientists mated those vicious African honey bees with domestic honey bees.

The result was a disaster.

The new bees made less honey than the old American bees made. Certainly, the new bees lost their domestic docility. But in the place of docility, the new bees had all the meanness and bad temper of their African antecedents.

But, worse, one day, somebody let a swarm of the new Africanized bees lose. Out of the laboratory they flew. Outside, these Africanized bees—these "killer bees"—spread throughout Brazil. The killer bees expanded into Venezuela, Colombia, Panama, Costa Rica, into Mexico, and, finally, Mr. President, years later, the killer bees reached Texas.

Scores of people have been killed by these bees. Hundreds of people—men, women, and children—and countless cattle have been stung by them. The killer bees so far are unstoppable, and they are probably headed toward Washington.

Mr. President, I tell this story as an example of what can happen when people do not stop to consider the ramifications—the practical results—of something new before they put it into action.

We have a problem—Federal budget deficits, a nearly $4 trillion national debt, and all that those fiscal dilemmas threaten.

Some people claim that a balanced budget amendment to the U.S. Constitution will solve those fiscal problems. The balanced budget amendment is being extolled as a panacea for all that ails our economy. If only the Congress will pass this balanced budget amendment, the White House claims, we can end all this wasteful deficit spending and pay off the national debt, and Nirvana will be just around the corner.

Mr. President, at this point, nobody knows what a balanced budget amendment will do to the country. There are all kinds of balanced budget amendments floating around. But what this one, that one, or another one will do, as compared with what an amendment which might ultimately be adopted would do, is anybody's guess. Nobody knows that a balanced budget amendment would solve our fiscal problems or make them worse. But some of us have a pretty good idea. Nobody really knows—because it has not been tried—what the social, political, or economic impact of a balanced budget amendment to the Constitution would be 10 years from now, 50 or 100 years from now.

Mr. President, this balanced budget proposal might just be another "killer bee," a killer-bee amendment that we and our children and grandchildren will rue for generations to come and for which we in this Congress would be blamed as long as man remembers our names.

Perhaps worse than anything else, this proposal for a balanced budget amendment to the Constitution is an "election-year quickie"—a quick fix, easy way, a demagog's dream.

These balanced budget amendment proposals allow candidates to jump up and down about the irresponsible Congress. They can beat their breasts and shout, "It is not me." I might want to use good grammar, "It is not I," but I

will say it the colloquial way, "It is not me. Look, I voted for a balanced budget amendment. I cannot be blamed for this fiscal mess."

We get this amendment into the Constitution, time goes by, and we are out of office. Those of us who vote for this will be out of office. We are back home living on our pensions and complaining about the mess that Congress is making of the country. And we who voted for the amendment helped to make the mess, but we won't mention that. We will go home and retire with our pensions. And we will say: I voted for the amendment, somebody else ought to make it work. What a mess this country is in. Somebody else must cut off the funds for education, not I, because I will have voted for the amendment. I will be home rocking in the old rocking chair, collecting my pension. Let somebody else cut the funds to education, let somebody else close down the schools, let somebody else cut the money for veterans programs and take the heat; it will not be I. I voted for a constitutional amendment to fix this mess. So do not blame me. Blame the guys who are up there now. Somebody else can find the money to repair the holes, potholes, in the interstate highways and prop up the rusting bridges across the Mississippi or the Hudson. Somebody else, Mr. President, can find the money for Medicare, for cancer research, for police to make our cities safer, for money to pay mine inspectors, money for harbor improvements, for financial security; somebody else, but not me.

You and I will be retired before the constitutional amendment really is drafted into the Constitution. We may be retired by then, so we can point fingers at somebody else standing in our place, someone else presiding over the Senate. Let them fix it. "I voted for the constitutional amendment to balance the budget," one can say.

Mr. President, if the White House wants a balanced budget amendment to the Constitution, and I understand that it does, I challenge the White House to tell us how we are supposed to get to this balanced budget. Since Inauguration Day 1981, the White House has been demanding a balanced budget, but not once in all those years did President Reagan or President Bush send to Congress a balanced budget, not once. "Here," they have said, "here is the budget." They have sent it up. And they say, we know it is not in balance, but that is a problem for Congress. Let Congress balance the unbalanced budget. But do not raise taxes. "Read my lips." Do not raise taxes. We want to pour more money into the Pentagon, into military spending. "We do not know where you are going to get the money, but we want a balanced budget amendment," the White House has said.

In 1981, when Mr. Reagan took over, the national debt was a little under $1 trillion.

Today, the national debt is approaching $4 trillion.

In 1981, when Mr. Reagan took over, the United States was the world's largest creditor nation.

Today, the United States is the greatest debtor nation in history.

And not once in all the years since 1981 did the President send Congress a balanced budget.

So much for "voodoo economics."

If the President wants a balanced budget amendment, he should tell us and the American people how he proposes to balance the budget once the amendment is in place. What is the plan to enforce a balanced budget amendment? Where are the teeth in the amendment? If an amendment is going to be sent to the American people for their ratification, it should state on its face exactly what the pain is, what the sacrifice is, and how it will be enforced. I have not seen any amendments around here that would do that.

What is the plan to enforce the balanced budget amendment? Where are the teeth in the amendment? Where is the plan to keep the Government going if the money runs out?

So far, all of the proposals for a balanced budget amendment are like somebody's "granny"—cute, feisty, but with no teeth. We cannot "gum" the deficit out of existence.

Mr. President, I want to balance the Federal budget, too. I want to pay down the national debt. I do not know anybody in the Senate who is not in favor of cutting deficit spending and reducing the national debt, Republican or Democrat.

But the balanced budget amendment to the Constitution, presently making the rounds, is not going to reduce Federal deficits or cut the national debt. The balanced budget amendment that I have seen is a magician's hat with no rabbit in it.

Doing those things will take courage and hard decisions, and we are the only people in this body who can make those decisions—we, the elected representatives of the people, and the President of the United States, working together, with the well-being of the country in mind, with the future of the United States in mind, and with the well-being of our children in mind, and not with just the next election in mind or the futures of the Republican and the Democratic parties in mind.

This is an hour for statesmanship, for patriotism, for maturity and wisdom, and not the hour for another "quick fix." We have heard all of these "feel-good" messages over the years. I hope that tonight the President will tell us specifically how he plans to make a balanced budget amendment work. Tonight, I hope that the President will tell us his plan—that he will put his money where his lips are. So that we can "read" his lips as to where the pain and sacrifice and suffering are going to come from in balancing the budget, by way of a constitutional amendment. The American people deserve to know how the President proposes to put our fiscal house in order through a balanced budget amendment. The American people have a right to know the price tag for a balanced budget amendment.

Mr. President, I hope that we will see some "profiles in courage" in this Senate when the amendment is taken up. The majority leader is committed to trying to bring up one of these constitutional amendments.

I hope that we will see some profiles in courage and I hope that the American people will not listen to the feel-good messages that they have heard now for 12 years coming out of the White House, messages telling the people that there is a free lunch: "Good morning, America." Feel good. "It can all be done with a constitutional amendment and we will just grow our way out of the deficit."

Well, we have not grown our way out of the deficit. We have grown our way deeper into the deficit. So, now comes the time when Senators will have the opportunity to write that profile in courage. It will not be easy for those of us who oppose this constitutional amendment. It sounds like an easy, simplistic, quick-fix way of taking care of the whole business. Just vote for a constitutional amendment.

"Give me," says the President of the United States, "what the States have. Let us have what the States have. They have constitutional amendments. They have to balance their budgets." But the States do not really balance their budgets. They have an operational budget. They may balance that with gimmicks or otherwise. But they also have a capital budget and they sell bonds to build their roads and their buildings and so on and so on. They do not balance their capital budgets. They, too, are in debt.

The Federal Government and State governments operate in two different spheres under the Constitution. So beware of this quick fix, quack remedy: "Give the Federal Government a balanced budget to the Constitution like the States have." Senators, take a look at the States. See how much debt they have.

Mr. President, I thank the Chair.

NUCLEAR REACTORS IN THE FORMER SOVIET UNION

Mr. BIDEN. Last month, Secretary Baker announced the United States' intention to join in a multilateral program to improve the safety of nuclear reactors in the former Soviet Union. Addressing these serious problems was listed as a priority area in the aid

package sent to Congress by the administration, and is in the aid package recently reported by the Senate Foreign Relations Committee.

The Republics of the former Soviet Union are in an unenviable position—they know that many of the Soviet-designed reactors are unsafe, but they desperately need the electricity they produce. The West is in a similar bind—it knows that the reactors are ticking time bombs, but immediate closure of all of them would devastate any economic recovery in the region.

In July, the members of the G–7 are expected to announce the details of an emergency assistance program to improve the safety of the region's reactors. The details that have appeared to date look to be a well-planned approach to bringing the most dangerous reactors up from the abysmal conditions they now operate in. But it is by no means a program that will bring the reactors up to Western standards. All the assistance program will do is bring the risk of an accident at the plants down to a level that is viewed as an acceptable risk in the short-term, under the existing conditions.

But what the United States and other Western countries do in addition to this emergency program is the truly crucial part. The danger exists that this nascent emergency program could evolve into a long-term program to keep the Soviet-designed reactors on line. That, I would argue, would be a mistake of epic proportions.

As part of any role we take in making the Soviet-designed reactors less dangerous, we must keep in mind a few points. First, most of the reactors can never be brought up to Western safety standards. Either through basic design flaws or faulty construction, the hazards associated with the reactors are believed to run very deep.

Second, our top priority should be finding ways to shut down the reactors, not to keep them going. While in the short-term, we cannot reach this goal, our program over the next few years should be geared toward this most important of objectives.

Third, any emergency assistance plan should also include efforts to develop alternative sources of energy for the Republics. This last aspect is often overlooked, but is the most important step we can take to assure that the safety risks of the reactors are eliminated.

So while there is no doubt that we must provide assistance on the region's nuclear safety problems, we must avoid being pulled into a deepening morass. If we put all our funds into just fixing the reactors, with no funding for alternatives, we will likely find ourselves back here in 5 years making the same statements—that the risks of continued operation of the plants is considerable, but the citizens of the region have no option.

A broader analysis of the situation shows that continued operation of the nuclear reactors fails on economic as well as environmental grounds. The Chairman of the U.S. Nuclear Regulatory Commission has estimated that needed upgrades to region's reactors could cost $20 billion. And history would lead us to believe that those costs could easily balloon to even higher levels.

At a hearing I chaired on environmental problems in the former Soviet Union, the question of how to address these serious safety questions arose. Testimony at the hearing made clear that we would be much better off if we took some of the resources that members of the G–7 appear so willing to commit in a futile effort to make those reactors safe and instead put them toward energy conservation, energy efficiency, and alternative sources of energy. In fact, a full-blown effort to address so-called "demand side" aspects of the energy equation in the former Soviet Union could result in energy savings almost triple the output of the nuclear reactors.

An article in yesterday's Journal of Commerce highlighted the risks Western governments run in stepping over the line of keeping open plants that should be closed. The article reports that an order had been signed to restart Russia's nuclear energy program. I ask that the article be reprinted at the conclusion of my remark.

If this decision has been made, it is a truly shocking development. Although Russia has the right to make this decision, it would appear to make an already dangerous situation worse. And based on our experience and that of many other countries, it would be the wrong answer to their problems. The years and money that would be invested in this response to their energy situation would be better spent focusing on reducing their excessive levels of energy use.

If Russia moves ahead on restarting construction of reactors, then the West must be even more careful in the assistance it provides to the Republics. But with or without a restart of the Russian reactor program, I would urge that all of us think carefully about where we are ultimately heading in any assistance program to upgrade existing reactors. I believe our wisest course is to create conditions that will allow the closure of as many of the reactors as soon as possible.

[From the Journal of Commerce, June 3, 1992]

RUSSIA ORDERS RESUMPTION OF NUCLEAR ENERGY PROGRAM

MOSCOW.—Russia has ordered the resumption of its nuclear energy program, effectively halted after the 1986 Chernobyl disaster, the world's worst nuclear accident, a government official said Tuesday.

Yuri Rogozhin, an official with the State Nuclear Energy Safety Agency, confirmed a report published by Komsomolskaya Pravda newspaper.

"I agree that our nuclear energy industry is ill as is the whole of the country's economy. But it should be treated. You do not cut off a head when it is aching," he said.

Komsomolskaya Pravda said First Deputy Prime Minister Yegor Gaidar had signed the order March 26 to resume construction of a number of new nuclear plants and to increase the capacity of existing ones.

The document, not yet made public, grants considerable privileges to regions where construction of nuclear stations is being renewed. This might head off public protests, but Komsomolskaya Pravda predicted an angry reaction from environmental groups abroad.

Ukrainian authorities said that 6,000 to 8,000 people have died since being exposed to radiation from the explosion at the Chernobyl nuclear plant in the early hours of April 26, 1986.

The explosion killed 31 people in its immediate aftermath and blasted radioactive particles across much of Europe.

The development of the then-Soviet nuclear program was effectively halted after the disaster and worldwide protests.

"Even (former Soviet President Mikhail) Gorbachev, who in his time spoke a lot about severe energy shortages, did not dare to revive the atomic program as the consequences were too unpredictable," Komsomolskaya Pravda said.

Worldwide concern over the safety of Chernobyl-type reactors was renewed in March by a leak of radioactive gas at the Sosnovy Bor plant near St. Petersburg.

European politicians demanded that all 16 Chernobyl-type reactors on the territory of the former Soviet Union be closed and others be put under strict international control.

Eleven reactors in Russia were built on the same model as that in Chernobyl. Three similar plants are operating in Ukraine and another two are in the Baltic state of Lithuania.

Komsomolskaya Pravda said that all Russian reactors had the same defect that caused the accident at Sosnovy Bor.

But Russia can hardly afford a decline of its nuclear energy.

"Shortages of electric energy have become a major problem for the Far East, Siberia and about 10 central Russian regions," the newspaper said.

Just under 12% of Russian electricity is generated from nuclear power. Hydroelectric power stations account for a further 17% and the remaining electricity comes from thermal electric stations using coal or gas.

NEED FOR UNITED STATES POLICY ON RUSSIAN FORCES IN BALTIC STATES

Mr. PRESSLER. Mr. President, ever since the Baltic States began resisting their Soviet occupiers, I have been addressing the Senate and offering amendments on that subject. The time has come for the United States to make clear its opposition to the continuing presence of Russian military forces and factories of the Russian military-industrial complex in Estonia, Lithuania, and Latvia.

The Senate will have just such an opportunity when it considers S. 2532, the assistance bill for the successor states to the former Soviet Union, by supporting an amendment I plan to offer with Senator DOMENICI. American as-

sistance should be conditioned on a phased, early exit of Russian forces and transformation of the military factories of the former Soviet military-industrial complex. Our amendment would impose this conditionality.

Through their efforts to negotiate a reasonable timetable with the Russians for an end to military basing and use of their territory for maneuvers, Baltic governments are attempting to exercise a fundamental aspect of sovereignty. It simply makes no sense for the United States to remain silent while troops loyal to a Russian Government that calls itself democratic are intransigent about returning to their home bases.

Mr. President, Russian authorities also are creating the impression of inflexibility in another area I will address when the Senate considers S. 2532—the so-called ruble stabilization fund. I believe the United States should consider Russia no more than the first among equals when it comes to the Baltic States and the states of the former U.S.S.R. But the lion's share of assistance and policy concerns in the monetary area has been focused on making the Russian ruble convertible.

It turns out that Baltic governments and some of the other states desire convertible currencies that are not the ruble or are not held hostage to the ruble. I understand that the Department of the Treasury is very concerned about this important issue. However, I think the U.S. Government as a whole must be careful not to put all its eggs—or rubles—in one basket.

Mr. President, I commend to all Senators an insightful article from the June 4 issue of the Washington Post. It was written by Jim Hoagland and is entitled "Baltics: The Mice That Roar." Most of us know the story of the clever Peter Sellars movie on which the headline is based. In the movie, a small country declared war on the United States and by a series of coincidences was able to dictate its terms.

Lithuania, Latvia, and Estonia have a great desire for close relations with the United States. In the areas of currency conversion and unwarranted military forces, bases, maneuvers, and manufacturing facilities, the Baltic States rely heavily on the ability of the United States to encourage Russia to behave differently than the Communist government of the Soviet empire.

Mr. President, I ask unanimous consent that Mr. Hoagland's article be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 4, 1992]

BALTICS: THE MICE THAT ROAR

(By Jim Hoagland)

TALLINN, ESTONIA.—At a moment still secret but almost certain to come in the next two weeks, tiny Estonia will give content to its independence from Soviet rule by issuing its own money.

The larger, more powerful republics that declared independence from Moscow last year have not yet dared take this step, which will create initial economic hardship for Estonians and put an even harsher squeeze on the 500,000 Russian civilians and troops in Estonia.

Replacing the Russian ruble with the Estonian kroon will not be a quixotic or spiteful act of nationalism, as Moscow is likely to assert. It is a carefully calculated decision by Estonia to gain control of its economy and to step up pressure on Russia to dismantle the Russian military-industrial presence in all three Baltic states.

Estonia, Latvia and Lithuania plan to be the mice that roared in one other way. They are threatening to block the final declaration of the 52-nation Conference on Security and Cooperation in Europe summit in Helsinki next month. Adopting the declaration requires unanimous consent by all CSCE member states.

The Baltic states are demanding that Russia agree before the conference begins to set a date by which all Russian troops will be withdrawn from their territory. "It will be extremely difficult for us to sign any document that does not include these questions," Estonian Foreign Minister Jaan Minitsky told me.

Threatening to rain on a parade to be attended by George Bush, Boris Yeltsin and all of Europe's leaders is an audacious act that the Baltic states may hesitate to carry out in the end.

But it reflects the growing intensity of the Russian-Estonian conflict. Estonians fear that Russia hopes to restore imperial rule here after rebuilding its army. The West does not understand how limited an amount of time the Balts have, Estonians say, and is not doing enough to help them escape into Europe and away from Russia before the bear stirs again.

Russian civilians make up 36 percent of Estonia's 1.4 million population. The majority of the Russians work in the sprawling defense factories and military bases that are on Estonian territory but are effectively still under Russian control. Estonian officials frankly concede they have no idea what is being done in many of those bases and factories.

These officials are vague on how and by whom Russian workers on the bases and Russian military retirees will be paid once Estonia abandons the ruble and imposes exchange controls and other economic regulation of its frontier with Russia. The likely date is on or before June 20, the 52nd anniversary of the beginning of Soviet occupation.

The rising temperature of Estonian nationalism is captured in the newly militant declarations of Arnold Ruutel, the weathervane chairman of Estonia's state council. the paternal, reassuring Ruutel once cooperated closely with the Soviet policy machine here. Now he speaks of how eager the Russian in Estonia must be to get home and exploit the vast untapped farmlands of Russia.

Russia says that the estimated 20,000 troops stationed here will eventually leave. But Moscow refuses in its negotiations with Estonia even to discuss repatriation of Russian civilians, Foreign Minister Minitsky says. Estonians see this attitude as proof that Moscow has not made a genuine political decision to order the army to leave.

Their long struggle to resist Soviet occupation has earned the Balts the right to lecture Americans and West Europeans about Russian intentions, an they are quick to exercise it on visitors.

Even the gentle, wise writer and filmmaker Lenart Meri, until recently Estonia's foreign minister, bridles at repeated Western advice for the Balts and the Russians to bury their differences and get along for the sake of world stability.

"How can the world integrate Russia into the international system when Russia has not yet found its own identity or settled on its own borders?" Meri asks.

"The West has to use two completely different languages with Russia—a friendly language with the democratic forces, who must be given hope that Russia will gain much from having three friendly neutral nations on its border, and a tough language that shows that international aid will be directly tied to how Russia treats the Baltics." Meri then adds:

"It is likely the West will have to use both languages to the same people."

Men's advice is heartening because it implicitly assumes that Russia's imperialist nature can be changed. Almost against experience and instinct, Meri and other Estonian moderates hold open the possibility of reasoning with and affecting the behavior of the people who invaded and brutally occupied their land for half a century.

Meri's advice is clear: The West has an important role in helping Russia shed imperialist temptations and in bolstering Baltic independence at the same time. These have to be joint objectives that proceed in tandem.

WOMEN'S COMMISSION FOR REFUGEE WOMEN AND CHILDREN

Mr. KENNEDY. Mr. President, next week the Women's Commission for Refugee Women and Children will hold a special symposium here at the Capitol on "Going Home: The Prospect of Repatriation for Refugee Women and Children."

Under the chairmanship of the distinguished actress Liv Ullmann, the conference will examine the economic, social, and political challenges faced by the world's millions of refugees—most of whom are women and children.

Refugee situations across the world offer enormous opportunities today to finally resolve and repatriate refugees torn from their homes and lands for decades—in Cambodia, Afghanistan, and several countries of Africa. But to seize these opportunities will require far greater resolve and funding than has to date been offered.

This special symposium will highlight the challenges before the international community, and I know all interested Members of the Congress will be welcomed to participate.

Mr. President, for the record, I would like share some background information on the symposium and the work of the Women's Commission for Refugee Women and Children, and I ask that it be printed at this point in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

GOING HOME: MEETING THE REPATRIATION NEEDS OF REFUGEE WOMEN AND CHILDREN

(Observations of the Women's Commission for Refugee Women and Children, June 1992)

The Women's Commission for Refugee Women and Children was founded by Liv Ullmann and Catherine O'Neill in 1989, under the auspices of the International Rescue Committee, to address the special needs of refugee and displaced women and children around the world who have been forced to flee their homes because of persecution, war, civil strife, or famine.

BACKGROUNDER

At no point in contemporary history have more refugees faced the prospect of going home: already, more than 5,000 cross the border to Afghanistan daily; more than two thousand return every day from Thailand and Bangladesh to Burma. For millions more—80% of whom are women and children—repatriation and the challenges of reintegration are around the corner, awaiting the resolution of tentative peace agreements and pending negotiations. For each of them, going home poses potential threats to physical safety, and countless economic political and physical challenges.

On June 8, 1992, the Women's Commission for Refugee Women and Children will host a symposium, "Going Home: The Prospect of Repatriation for Refugee Women and Children," which will bring together field workers, members of Congress, representatives of the United Nations High Commissioner for Refugees, national and international policy makers, and private international organizations, Women's Commission members, refugee women, as well as others committed to the cause of refugees. The day-long conference will focus particular attention on the needs of refugee women and children. An opportunity for dialogue, the symposium seeks to devise solutions and strategies for the reintegration and economic participation of women in the rebuilding of their war-torn countries.

Since 1989, Women's Commission delegations have conducted missions to 17 countries in Asia, Africa, and Central America to observe and report the plight of refugee women and children. Their findings have shaped and guided this symposium. Each mission addressed the issues of returning refugees, including: protection and human rights, assistance priorities, and the involvement of refugee and displaced women in repatriation and development program planning and implementation. The following summarizes Women's Commission delegation findings as well as recommendations for immediate action:

(1) Human rights and protection of returnees

Physical safety is the single most common concern of refugee and displaced women who are planning to go home. These women and children are vulnerable to physical violence and coercion and vast numbers suffer physical and other abuses every day. Often, they are ill-informed of their rights. Inadequate mechanisms exist for monitoring the safety and security of women and children after they have reentered their home communities. The proliferation and land mines during war time is a special problem for returning women, who often have the responsibility for food production in these mine-infested lands.

Call to action: The Women's Commission calls upon the United Nations High Commissioner for Refugees, as a matter of urgency, to develop measures to ensure that women and children who are returning home can do so in safety and dignity. The Commission urges the appointment of female protection officers with the express responsibility for ensuring the safety of returning women and children.

(2) Assistance priorities for return and reintegration

Few programs exist in countries of asylum that help returning women and children prepare for return. Even fewer countries of origin are prepared for the mass return of thousands of their citizens, especially such groups as women-headed households, unaccompanied minors, and the handicapped. The lack of sufficient education, skills training, and credit programs make it even more difficult for returning women to become economically self-reliant. Many returning women and children face problems obtaining food and health care, particularly where the country's infrastructure has been destroyed by years of warfare. Women and children who have been victimized and traumatized by recurrent human rights violations and violent conflict face severe reintegration problems.

Call to action: The Women's Commission calls for the immediate implementation of programs to address urgent health, mental health, and nutritional requirements of returning women and children. Since 80% of all refugees are women and children, assistance priorities must address their specific needs, including skills training, education, and income generation programs that build economic self-sufficiency for women-headed households.

(3) Participation in program development and implementation

Although their very survival is often at stake, refugee and displaced women have not traditionally been involved in the planning and implementation of assistance programs, including those related to repatriation. As women and children comprise such a large number of the refugee and displaced populations, women constitute a large number of refugee heads of household, it is self-evident that the long-term success of any repatriation effort depends on their support and participation. Refugee and displaced women want to be part of the quest for solutions. They have already been active in conceiving, organizing, and implementing programs for refugee women, often at considerable personal risk. Donors and international organizations must heed the knowledge and experience of these women. The development of refugee women's organizations and centers as reliable ways to disseminate information to residents of refugee camps and settlements is crucial. Similar organizations in countries of origin can be effective partners in managing effective reintegration programs.

Refugee women remain the central force in their families' social and economic lives; without involving them substantially in planning and taking advantage of their multiple skills, international organizations miss important opportunities. If women are involved in planning for return, children's safety shall be a priority. Torn from their traditions, communities, and families, refugee women face many obstacles in their struggle to survive. Unless support is proffered at this critical juncture, they will face even more obstacles upon their return home.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business is now closed.

NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, pursuant to the previous order, I submit a report of the committee of conference on H.R. 2507 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 18, 1992.)

The PRESIDING OFFICER. The time for debate on this conference report is limited to 3 hours equally divided and controlled between the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Utah [Mr. HATCH]. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield myself as much time as I might use.

Mr. President, I urge the Senate to approve the conference report on H.R. 2507, the National Institutes of Health Reauthorization Act. The reauthorization passed the Senate 87 to 10 on April 2, 1992, and the conference report deserves equally strong support.

Today, we are on the threshold of breakthroughs unimaginable even a few years ago when we last reauthorized the NIH in 1988. Congress and the American people should be proud of the investment in NIH and its role in maintaining excellence in biomedical research. The goal of this research is to improve health and save lives. The pending legislation is a comprehensive initiative to guarantee America's continued leadership and excellence in biomedical research through the end of this century.

The conference report reauthorizes and improves a wide array of programs at the National Institutes of Health that have already led to major discoveries of causes, treatments, and cures of a range of devastating diseases.

Among its most important provisions, this legislation will do the following:

It reauthorizes the National Cancer Institute and the National Heart, Lung, and Blood Institute. These two Institutes oversee research on the two biggest killers in our society, cancer and heart disease.

It establishes new initiatives and expands existing endeavors in women's health; it also directs the National Cancer Institute to significantly increase research efforts on breast cancer and prostate cancer.

It requires the inclusion of women and minorities as research subjects in clinical trials. It establishes an Office of Research on Women's Health, and charges it with overseeing clinical trials and monitoring the status of women's health research.

It authorizes a peer-review matching grant program for extramural facilities construction, in order to begin reversing over two decades of declining Federal support.

It extends the National Research Service Award Program, which provides training grants for scholars across the Nation to assure a continuing supply of talented scientists for the future.

It authorizes vital research activities by the National Institute on Aging.

It establishes a new program of Child Health Research Centers to speed the transfer of knowledge gained from basic research to clinical applications that will benefit the health of children.

It provides support for the development and implementation of a comprehensive strategy for the control and eventual eradication of the AIDS virus.

It establishes sensible impartial procedures to address ethical concerns, so that meritorious research can proceed without undue ideological obstructions.

And it establishes new Federal policies on scientific misconduct, conflicts of interest, and retaliation against whistleblowers in connection with research supported by the NIH.

The conference report contains the House provision designed to prevent unwarranted inferences with health research. This provision is intended to reach unlawful conduct aimed at disrupting, damaging, or destroying federally funded research facilities. It is no way intended to punish protected first amendment activities or prevent legitimate protests by animal rights groups.

Whistleblowers and demonstrators are not targeted by this bill. It is not intended to prohibit the reproduction and copying of any material for the purpose of reporting violations of any State or Federal law. Nothing in this bill limits the exercise of any right granted by State or Federal whistleblower protection laws.

The report also includes important and appropriate Federal policies regarding scientific misconduct, conflict of interest, and retaliation against whistleblowers in connection with research supported by the NIH. These policies represent a careful balance designed to protect the integrity of the research process without threatening individual rights, chilling scientific inquiry, or impeding economic development.

In addition, the conference report includes other important initiatives advanced by many different Members of the Senate.

The study of HIV vaccines for therapy and prevention of HIV infection in women, infants, and children, sponsored by Senator HATCH, will assess the safety and effectiveness of these vaccines for the treatment of HIV infection, and for the prevention of the infection in unborn infants of HIV-infected pregnant women.

The experimental program to stimulate competitive research, sponsored by Senator COCHRAN, will enhance research competitiveness of institutions in States that have experienced low success rates in obtaining research awards for the NIH.

The children's vaccine initiative, sponsored by Senator BRADLEY, will establish a program to develop affordable new and improved vaccines for the prevention of infectious diseases.

The prostate cancer research and prevention programs, sponsored by Senator DOLE, will expand and strengthen prostate cancer research activities at the NIH, and provide early detection, screening, and prevention services to high-risk and low-income individuals through programs administered by the Centers for Disease Control.

The provision on research on tropical diseases at the National Institute of Allergy and Infectious Diseases, sponsored by Senator KASSEBAUM, will support expansion of research activities in this important area.

The provisions of NIH facilities and infrastructure, sponsored by Senator MIKULSKI, will provide for the development of a comprehensive plan for the renovation or replacement of inadequate and decrepit facilities. This is an increasingly serious problem impairing the quality of the Nation's scientific research.

The programs on chronic fatigue syndrome, sponsored by Senator PELL and myself, support the need for research on the cause of this often debilitating illness.

The legislation also requires a report on leading causes of death, which was sponsored by Senator NICKLES, an evaluation of employee-transported contaminant releases, which was sponsored by Senator JEFFORDS, and the establishment of a national program for cancer registries, which was sponsored by Senator LEAHY.

Finally, the only major controversy in this legislation is the provision authorizing the Secretary of Health and Human Services to conduct or support research on the transplantation of human fetal tissue for therapeutic purposes, subject to specific review, notice, and consent requirements. This step was recommended by the 1988 NIH Human Fetal Tissue Transplantation Research Panel, and was passed by the Senate.

Five years ago, the National Institutes of Health asked the administration to fund an approved research project involving transplantation of human fetal tissue. The administration refused. Instead, it banned this type of research, despite numerous recommendations by advisory panels and NIH Directors that the research should proceed. As a result, millions of citizens in this country may be suffering needlessly because of a politically biased decision that is unjustified on scientific, ethical, or humane grounds.

By unilaterally imposing this ban, the administration has withheld support for research that has real potential for leading to treatments for Parkinson's disease, Alzheimer's disease, diabetes, inherited metabolic disorders, spinal cord injury, leukemia, and other chronic and incurable diseases and disorders.

Over 14 million Americans have diabetes, 4 million have Alzheimer's disease, and 1.5 million have Parkinson's disease. The health care costs associated with these three diseases total well over $100 billion a year.

Scientists have been using fetal tissue for disease research since the 1950's. NIH today supports research on human fetal tissue involving cell culture, tissue culture, and transplantation into animals. The administration does not prohibit that kind of research on fetal tissue, and it makes no sense to impose a ban on transplantation research. The internal logic of the administration's own position is defective. There is no justification for its ban on transplantation research.

It is difficult to imagine where we would be today if all research with fetal tissue had been prohibited 40 years ago. At that time, 50,000 Americans became infected with polio every year. Human fetal cells were essential to growing the polio virus and to conducting the research that led to the development of the polio vaccine. As a result, polio was eradicated, and countless numbers of people in America and throughout the world have been spared the ravages of that disease. A generation from today, diabetes, Parkinson's disease, Alzheimer's disease, and other chronic diseases may be relegated to the status of polio, largely eradicated from our society. These patients are waiting for our answer. They deserve help and hope, and the same opportunity for a healthy life. They should not be pawns in the Bush administration's craven capitulation to the demands of antiabortion politics in this election year.

The measure before us is not about abortion. It is about whether to allow

fetal tissue, which would otherwise be destroyed, to be used for medical research to save lives. Nothing in this bill provides encouragement for abortion.

In fact, if its promise is fulfilled, the research may well lead to fewer abortions. Evidence presented before the Committee on Labor and Human Resources at a hearing on November 21, 1991 indicates that recent success in the private sector with fetal-to-fetal transplantation to correct genetic defects may actually lead to reductions in the incidence of abortion, if the research fulfills its potential.

There is no evidence whatsoever for the administration's specious claim that more women will decide to have abortions if they know that fetal tissue will be available for transplantation research. The administration's own inconsistent position allows a great deal of fetal tissue research to go forward today. Fetal tissue has been used for research since the 1950's, with no linkage whatsoever to the incidence of abortion. It is preposterous to claim that the incremental additional research that will take place involving will somehow tilt the balance for any significant number of women on this highly personal issue of abortion.

In 1988, the NIH Human Fetal Tissue Transplantation Research Panel, appointed by the Reagan administration, concluded after extensive study that support for fetal tissue transplantation research is acceptable public policy.

The NIH panel proposed guidelines and procedures to address concerns about maintaining separation between research and abortion. The panel included theologians, physicians, scientists, and lawyers, many of whom are opposed to abortion. They carefully considered, in public forums, the ethical, legal, and scientific ramifications of this research and voted overwhelmingly that it should go forward.

In other areas as well, society agrees that comparable research is appropriate. Tissues and organs from human cadavers used for purposes of tissue or organ transplantation saves lives, and no one claims that it encourages murder. In these cases, there is a virtually unanimous consensus that the focus should shift away from the circumstances that caused the death, and focus instead on the capacity of the organs and tissues to save the lives of others.

The provisions of this bill will put effective guidelines into place for all fetal tissue research. The bill establishes clear safeguards, as recommended by the NIH task force, to ensure the full separation between research and the decision to perform such an abortion.

The bill makes it a crime to sell fetal tissue. It makes it unlawful to purchase or donate tissue to a designated recipient. No family member or friend could benefit from a particular abortion. It prohibits payments for the costs associated with abortion. It stipulates criminal penalties for violations. It imposes even stricter standards than now apply for other types of organ donation.

The bill prohibits physicians or researchers from altering the timing, method, and procedure used to terminate a pregnancy for the purpose of collecting tissue for research.

The measure requires that fetal tissue be obtained with written informed consent. The donor may not specify a recipient.

The attending physician must certify that no request for donation of tissue was made and no consent for donation was obtained before consent was given for abortion.

Attending physicians must make full and complete disclosure to the donor of any direct involvement they have in the research. They must also disclose any known medical risks to the donor that may be associated with collection of the tissue during the abortion procedure.

All researchers and recipients involved in a research project must be informed that the tissue is human fetal tissue and that it may have been obtained pursuant to an abortion.

The General Accounting Office must audit these safeguards within 2 years to ensure that they are being followed.

We have made a good faith effort to ensure that these guidelines are as thorough as possible. They are designed to prohibit any possible abuse. They have been reinforced by incorporating the suggestions of many Senators, including those who oppose this measure.

In an 11th hour move to derail this legislation, President Bush recently issued an Executive order creating a fetal tissue bank, and claiming the bank would be sufficient to guarantee that the needed research can go forward. The bank would do nothing of the kind. It is simply a smokescreen.

Last month, the Senate considered a similar proposal to establish a tissue bank, with similar restrictions on the sources of tissue. The tissue bank approach will not work, because the sources of tissue are limited to ectopic pregnancies and spontaneous abortions. These abortions are sporadic and unpredictable. Tissue from these sources is rarely suitable for transplantation. It is often diseased, and it may have genetic abnormalities.

In addition, when spontaneous abortions and ectopic pregnancies occur, they take place as medical emergencies. To be useful for medical research, any tissue must be collected rapidly. Consent must be obtained for needed blood tests to assure that the tissue is safe for transplantation. Additional steps must be taken to see that the tissue retains its effectiveness for transplantation.

To achieve these goals, a team of experts—a neurosurgeon, a neuranatomist, scientists familiar with preservation techniques, and trained nurses would have to be available and on call, 24 hours a day at each hospital. As a practical matter, these steps would be prohibitively expensive, even if the tissue itself were suitable for transplantation, which it is not.

We know the devastating effect that the administration's ban has had. Tissue banks that previously supplied fetal tissue for use in research have been put out of operation as a result of the chilling effect of the ban. Individuals with Parkinson's disease are paying as much as $30,000 to participate in transplantation clinical trials, because the NIH is prohibited from supporting this important research.

The administration's proposal was debated and soundly defeated on the floor of the Senate. I urge the Senate to reject this latest veiled attempt to prevent the lifting of the ban on fetal tissue transplantation research.

Both the House and Senate have overwhelmingly supported lifting the ban on this research. There is still time for the administration to reconsider its ideological opposition, and let this needed medical research go forward, and I hope that President Bush will do so. As many Senators and Representatives have pointed out, the responsible pro-life position is to end the current ban and permit this lifesaving research to proceed.

In conclusion, the National Institutes of Health Reauthorization Act is a comprehensive and important bipartisan legislation that will advance our knowledge of medical science. There are few better investments in our future than the investment we make in biomedical research. The passage of this bill will mark the beginning of a new chapter of creative support for the Nation's scientists, and insure that the United States remains the world leader in biomedical research. This measure has bipartisan legislative support, and I urge its approval.

Mr. President, I will be glad to yield. How much time does the Senator desire?

Mr. ADAMS. Fifteen minutes.

Mr. KENNEDY. I yield that time.

The PRESIDING OFFICER. The Senator from Washington is recognized for 15 minutes.

Mr. ADAMS. Mr. President, I rise today to speak on behalf of the National Institutes of Health conference agreement. I first want to compliment the chairman, Senator KENNEDY, and the others on the conference committee for the work they have done and also for the work in carrying forward this authorization to this point.

The value of NIH's biomedical research clearly speaks for itself. The National Institutes of Health is one of our treasured assets, and it is essential

that we pass this bipartisan bill today and that we move forward rapidly. I hope that there will not be any opposition from the administration or elsewhere to the prompt passage of this bill and the appropriation of the funding necessary in order to carry it out, because, when we enhance the ability of NIH to perform research, we take a great step toward improving the health of all Americans.

The conference report offers hope for many Americans and, in particular, the conference report offers hope to women. For years, NIH has neglected research on women's health. The conference report requires the inclusion of women in clinical trials, except, of course, where it is inappropriate. But it was very inappropriate in the past to have, for example, clinical studies that were directed toward cardiovascular disease where the entire study sample consisted of 45-year-old white males. That is not a way to proceed. As our colleague, Senator MIKULSKI, has put it very well, at one time there did not even seem to be any female mice out at NIH.

This conference report requires that NIH devote resources and attention particularly to diseases that we have neglected among women, such as breast cancer, cervical cancers, and osteoporosis. American women have been at risk long enough, and it is time to close the health gap that exists for women today. This bill moves a long way towards doing that.

The conference report also offers hope to minorities, who historically have been excluded from clinical trials and research. In an attempt to correct this inequity, we will require the inclusion of minorities in NIH clinical trials. The conference report offers hope to millions of Americans suffering from debilitating and often fatal diseases because it reopens the door, Mr. President, to life-saving research that was closed by the Reagan administration. I regret this door was closed. It was closed by the action of the Secretary, and I want to give a little bit of the background because it is terribly important that this Congress, and particularly this Senate, pass this bill with an overwhelming vote so that we deliver a message that this should and will become law.

I speak at this point of fetal tissue transplantation research. It is a long name, but it is terribly important one because it has tremendous promise for treating. Parkinson's disease, juvenile diabetes, genetic diseases, and Alzheimer's disease.

Frankly, the ban on Federal funding of this research has been in place since 1988 and with each day, another person gets sick; with each day, another person dies. The ban on the use of fetal tissue for transplantation is a terrible misuse of government. The ban goes against the administration's own panel and the panel of the Reagan administration, its panel of experts, who, in their expert opinion, stated that the use of fetal tissue is appropriate public policy.

We have heard from former Secretary Otis Bowen, who established the ban initially, that the ban should be lifted, and it is lifted by this conference report. As he stated last week: "In 1987, we needed answers about the science and ethics of this new research, and now we have them. With those answers, we should go forward to work for cures for diseases affecting millions of Americans."

We have heard from over 40 medical organizations and disease groups fighting these types of diseases that this ban should be lifted. The Reagan-appointed expert panel concluded that fetal tissue transplantation research would not encourage abortions and has great potential for saving lives. The chairman of that group was pro-life, so this is not an abortion issue; it is really like organ transplantation.

But the administration, unfortunately, ignored their findings in 1988 and continues to ignore them to this day.

The administration has said that fetal tissue transplantation research should be limited to the use of tissue from miscarriages or tubal pregnancies. They have announced a creation of a bank for this tissue. This announcement came days before the House vote on this conference report. They call this a compromise. I call it smoke and mirrors. The administration says that the use of tissue from spontaneous abortions and ectopic pregnancies is less controversial than lifting the ban.

This is no compromise. These sources are unsuitable. Federal funding of research using this tissue is already allowed under the ban. So nothing is being offered in terms of a compromise. And researcher after researcher has told me that this tissue may be infected, and very often is, or genetically damaged, and very often is, and the researchers tell me it is not safe. We considered this issue in an amendment in April, and the Senate defeated this amendment 77 to 23.

So I would state to all of my colleagues we have been through this issue before. We have voted 77 to 23. Let us vote that way again in support of this conference report.

The use of this tissue in a tissue bank does not move research forward. The establishment of a tissue bank may actually siphon off resources from promising research. The source of the tissue should not be an issue. The administration says the lifting of the ban will encourage abortion. Their own expert panel concluded that it would not. Pro-life Senators and Members of the House, including my colleagues, Senators THURMOND and Senator HATFIELD, have eloquently stated that the issues of abortion and research can and should be separated with proper safeguards in place, and those proper safeguards are put in place with this bill.

For these Senators and Dr. Bowen, this bill has redefined what it means to be pro-life and pro-research. The Reagan-appointed expert panel—and I want to particularly call this to the attention of my colleagues who may have any concern about this conference at all—the Reagan-appointed expert panel voted 18 to 3 that with the proper safeguards, funding fetal tissue transplantation research, regardless of the source of tissue, is acceptable public policy. They voted for having fetal tissue transplantation research.

Once again, my colleagues, we voted to pass this bill, in April, 87 to 10—87 to 10. I hope we will do that again. Members from both sides of the aisle and from both sides of the abortion issue are outspoken supporters of lifting the ban. The safeguards in the conference build a solid wall between abortion and the research.

The decision before us is really very simple: do we allow scientists to use the tissue for lifesaving research, or do we just throw it away? We have wasted too much time and too many lives. We must lift the ban and let the research move forward and begin to save lives.

As a conferee on this legislation, I am very proud of our work. I wish to thank Senators KENNEDY and HATCH for their excellent leadership and commitment to NIH, and I wish to thank Senator KENNEDY for his assistance and support in lifting the ban on fetal tissue transplantation. It will bring hope to millions of Americans.

That is what we are talking about. We are looking into the eyes and into the faces of people with diseases such as Parkinson's, who knows that they have no cure and a long, slow, lingering disease that slowly incapacitates them and ends in their death after much suffering and the suffering of their families. We all know the suffering caused by Alzheimer's.

Fetal tissue was used to develop the polio vaccine. Fetal tissue transplantation research gives hope to these people.

I call on my colleagues to pass the conference report and, in particular, I urge the President to sign it. Let us start bringing this country together on fundamental issues like this that all are in support of and which can do so much to make this a kinder, better, healthier country.

Mr. President, I ask unanimous consent at this point that Laura Brown, a health fellow in my office, may have privileges of the floor during today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ADAMS. Mr. President, I conclude my remarks by simply saying

that this to me is one of the most important issues in terms of human life, human suffering and the ability of our country to remain in the lead of research for health-giving, health-improving and lifesaving research in the entire world. So I hope we will vote for this conference report, and I hope we will vote for it by an overwhelming majority.

I thank the chairman for yielding me this time.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Utah is recognized.

Mr. HATCH. I have enjoyed listening to the remarks of my colleagues, and I can see they feel very strongly about this bill. But I am here to say I warned everybody when we were on the floor before that if they wanted to play this game of allowing the abortion issue to creep into this matter, they would set back fetal tissue research for many years. And that is exactly the posture we are in right now.

This bill will pass out of here. There is no question about it. There is no question at least in my mind it is going to he vetoed. And if it is vetoed, I believe the House will sustain that veto, something I predicted in the authorization fight on this floor a while back.

I am for fetal tissue research. I would like to see it go forward. I would like to see us make the innovative breakthroughs that can possibly come from fetal tissue research.

The fact is, when I became chairman of the Labor Committee in 1981, we had not reauthorized the National Institutes of Health authorization bill for 10 years, or almost 10 years. And the reason we had not is because we allowed the ethical and moral issues to cloud the real issues of whether or not research was going to go forward. By getting rid of those issues, we were able, Senator KENNEDY and I and others, to reauthorize the National Institutes of Health, and it has been running very well ever since, including some fetal tissue research.

Now we are in danger of stopping even that. The fact is I am for fetal tissue research. I believe we will have enough specimens with ectopic pregnancies and spontaneous abortions or miscarriages to be able to carry on the work that is necessary without all of the fighting, all of the screaming, and without the abortion issue rearing its ugly head once again and maybe causing us to not be able to reauthorize the National Institutes of Health for the next 10 years.

But the fact is it is pathetic we are in this posture. There is a split in the medical community. I know Senators can cite Dr. Bowen. I will cite Dr. Koop. We can go back and forth. I know pro-choice doctors that are arguing what Senators are arguing for, and I know pro-life doctors that are arguing what I am arguing for. All would like to have fetal tissue research, but they realize that if we keep playing the abortion game we will stultify fetal tissue research. That is where we are right now.

We can argue all these esoteric concepts all we want, but the abortion issue has reared its ugly head on both sides, and both sides are wrong. And here we are, where we are probably going to pass this conference report this day, not with my support are we going to. And then we will wind up having a veto and the veto sustained. Then we will have to start over again next year.

I rise in opposition to this conference report because we are making some tragic mistakes here that will stultify, deter, maybe even wipe out fetal tissue research of the National Institutes of Health. It is all because people are not willing to face this issue head on.

I will make this comment: If there are not enough tissue samples from spontaneous abortions and ectopic pregnancies, if there are not enough tissues from spontaneous abortions or miscarriages—remember we only had about 60 transplantations in the last 30 years. Some of the estimates of fetal tissue available estimate we will have as much as 7,000 tissue samples.

Dr. Mason at HHS makes the point that the minimum number would be about 2,000 specimens. Remember, only about 60 transplantations in 30 years up until now have been conducted. If there are not enough specimens, if HHS proves to be wrong in their estimates, then and only then, will I move forward with my colleagues from Massachusetts and Washington to find the fetal tissues to use in fetal tissue transplantation research.

But why get us in the middle of this moral and ethical debate that stultifies the research when you have enough tissue without getting into that debate?

So I have to rise in opposition to this conference report today. I think it is the wrong thing to do.

I wish I could support this legislation. I could think of few things more important than our Nation's investment in its biomedical research infrastructure. You cannot pick up the newspaper without seeing how important NIH research is and the health and well-being of our people. But the economic health and well-being of our Nation matters as well, and the ravages of deficit spending are severe too.

The bill is flawed in every respect and is far worse from the philosophical, fiscal, and management viewpoint than either of the bills passed in the House or the Senate.

First and foremost, the conference report authorizes spending of an estimated $3 billion above the President's fiscal year 1993 budget request. This Nation is facing a budget deficit of approximately $360 billion this year. Here we are being asked to pass a massive bill that would add substantially to our country's debt. It is now a staggering $3.1 billion above the President's budget. Let me repeat that: A whopping $3.1 billion over the President's budget.

We simply cannot allow this to continue. We are going to have to pay the piper. We ought to start now. I wish we had the $3.1 billion. I would feel a lot better about this bill, but we do not. We are just robbing Peter to pay Paul, and robbing the future of our young people and the future.

The bill specifically authorizes appropriations that are $1.2 billion above the President's fiscal year 1993 budget. The total reaches $3.1 billion when the HHS estimate of $1.9 billion to purchase 300 acres of land for a NIH satellite campus and renovate facilities is included.

Without any assessment of need, this bill now contains 24 titles requiring a multitude of earmarks for specific diseases. Examined one by one these earmarks may seem beneficial. But taken together, they threaten the ability of the NIH to set priorities based on research needs and opportunities.

The bill includes requirements for at least 24 new centers, 24 new studies, some are studies of other studies, 18 reports or plans, 2 commissions, and 28 new programs or entities. That is what this bill does.

This bill takes dollars away from research for the curing of diseases and instead spends it on administration and a bigger bureaucracy. After all, someone has to staff the centers, fill out the forms, issue the guidelines, and evaluate the work, audit the programs and do the studies and write the reports. But to paraphrase an old commercial slogan, "Where is the research?" That is what NIH is for.

We have been told that this legislation is about scientific freedom. Well, I would think that this bill sets the groundwork for the demise of the very scientific freedom that NIH has long enjoyed and that benefits the health of all Americans. The bureaucracy and micromanagement of this bill will surely squelch it.

The conference report now ups the ante to $7.3 billion. Members who are serious about reducing the Federal deficit cannot possibly vote for this bill in good conscience. How can we stand on this floor today and pass this bill and tomorrow come back and seriously debate a constitutional amendment to balance the budget?

My friends passing this bill would authorize the addition of $3 billion to the budget deficit and say to the American people that Congress is not all serious about balancing the budget. I challenge my colleagues to show the American people that we can be responsible and do our jobs without a constitutional amendment. I do not think we can. This is a perfect illustration of why we can.

Moreover, the Appropriations Committee left with the greater burden of fiscal responsibility will not be able to grant such a huge increase in funding for the NIH. Like me, it is not that they would not want to. We would all like to if we could. It is because they cannot.

So what is the message here? We can afford to be generous in our authorization, promising all kinds of great things for the American people, promising that significant good will result, but that when the check has to be written and signed, the Appropriations Committee can look like the greatest of all grinches.

We are holding out false hopes for those who look to the NIH for a cure.

Second, the conference report includes a provision that requires the HHS Secretary to appoint an ethics advisory board comprised of private citizens whenever he declines to fund research on ethical grounds. The decision of these private citizens could then overrule objections by the Secretary and the President.

Thus these new boards would have unilateral authority to make important decisions concerning the major research initiatives. While this provision is usually discussed in the context of fetal transplantation, it has much wider implications. This provision clearly violates the appointments clause of the Constitution, and I consider it blatantly unconstitutional.

Third, the conference report contains the fractious and contentious issue of fetal tissue transplantation research. Human fetal tissue transplantation research presents serious and contentious ethical issues. Most notable is the use of tissue obtained as a result of induced abortions. The abortion connection is widely recognized as an insurmountable problem, and it is a major impediment to enacting this bill, no matter what side of the abortion issue one happens to be on.

We now have a solution to this problem of advancing research goals in this area while avoiding the ethical dilemma. On May 19, 1992, the President established a human fetal tissue bank using tissue exclusively ectopic pregnancies and spontaneous abortions by Executive order.

The proponents of fetal tissue transplantation research using tissue from induced abortions have attempted to discredit the feasibility of the tissue bank. I would like to address some of the myths that have been circulated about this proposal.

No. 1, only a small percentage of tissue from spontaneous abortions may be viable for research purposes they say. This is true. But what the critics forget to say is that a comparable percentage is all that would be available from induced abortions.

In a letter to the President, Dr. Maria Michejda and Dr. Joseph Bellanti, from Georgetown University Medical Center state:

Reliable data clearly indicate that 7 to 10 percent of all spontaneous abortions provide suitable sources of viable tissue.

They go on to say:

* * * this percentage of fetal tissue compares favorably with the percentage available from the controversial source of induced abortions. What has been consistently overlooked in the fetal tissue research debate is the fact that current techniques for induced abortions result in extensive damage to the fetal tissue with the result that only 6 to 9 percent are suitable for research needs.

That is their comment about induced abortions.

So the very argument that those who do not like the use of spontaneous abortions or miscarriages they are using applies against their position.

There is no question that if you used induced abortion, you will have much more fetal tissue, but there is a big question of whether you need that much more, or whether you need any of that type of fetal tissue at all, because you would have enough from ectopic pregnancies or spontaneous abortions.

Myth No. 2: The proponents argue the number of potentially useful miscarriages is so low it would require a significant number of highly trained specialists scattered in hospitals around the country to collect even a few specimens. A tissue bank is not feasible, some say.

The fact is that a fetal tissue bank concept has been established and operational for more than 30 years. The fetal tissue bank in Seattle, WA, the very city from which the good Senator comes, is a good example.

Myth No. 3: They say the ectopic pregnancy is a surgical emergency; once diagnosed, it needs immediate attention. Delaying the procedure to get consent and to assemble a team to collect and preserve the tissue would be unethical, they say, and severely dangerous to the pregnant woman.

However, in a letter supporting the establishment of a tissue bank, Dr. Bernadine Healy, Director of National Institutes of Health, states that tissue from ectopic pregnancies "is apt to be uninfected and more likely to be genetically normal. Furthermore, with existing * * * technology, ectopic pregnancies are being detected earlier resulting in the opportunity for surgical removal of viable and intact fetal tissue. * * *"

I ask unanimous consent that her letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL INSTITUTES OF HEALTH,
Bethesda, MD.

HON. ORRIN HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I know the Senate will be considering the Conference Report on H.R. 2507. I would concur with the recommendation to the President to veto the Bill. I have several concerns. For example, the highly intrusive language of the Bill micromanages some of NIH's important research programs. In the area of women's health, while I fully support the spirit and the goals listed in this section, the NIH is currently moving forward with aggressive programs on the health of women and minorities and their career development and on the inclusion of women and minorities in clinical trials. The Bill also imposes activities and a number of advisory committees, including an Ethics Board, on NIH that are costly, unnecessary and duplicative, and in some cases intrude on the existing authorities of the Secretary.

With regard to the fetal tissue transportation moratorium, my own personal views are well know. However, in terms of the fetal tissue bank, I can state unequivocally as a physician and scientist that this approach is feasible and should be given a chance to prove its efficacy in terms of furthering one of the many needed research options for treatment of diseases such as diabetes, Parkinsons and certain inherited disorders.

I believe that such a bank with an established and NIH funded tissue procurement effort will provide a means to continue the transplantation research effort. In particular, harvesting tissue from ectopic pregnancies, which are life threatening to women, should be vigorously pursued. Such tissue is apt to be uninfected and more likely to be genetically normal. Furthermore, with existing echocardiographic diagnostic technology, ectopic pregnancies are being detected earlier resulting in the opportunity for surgical removal of viable and intact fetal tissue in some of these cases. Indeed, in the case of the widely reported success story of fetal tissue transplantation into a young child from Texas for a devastating disease called Hurlers syndrome, the resource of the successful transplant was an ectopic pregnancy.

NIH is committed to establishing the bank and determining its efficacy within one year of its initiation. We will report to the Secretary on the progress with the bank. Using this tissue we hope also to accelerate research to establish human fetal cell lines in laboratory cultures where they can be properly characterized, assured of being pathogen free, and in some cases genetically engineered to be more therapeutic value.

NIH exists to find the best ways to enhance the health and quality of life of the American people. A simple extension of appropriation authorization would be the most effective way to continue our work.

Sincerely yours,

BERNADINE HEALY, M.D.,
Director.

Mr. HATCH. In addition, one of the most widely reported and highly touted examples of fetal transplantation is that of the Walden family. And interestingly enough, the tissue for that procedure was from an ectopic pregnancy. Does that mean that the woman in this case was put in danger in order to obtain the fetal tissue needed for the Walden's baby? I am sure that this was not the case.

Myth No. 4: They say that miscarriages and ectopic pregnancies will not provide a sufficient amount of tissue to support the research demand. The fact is that there are 750,000 spontaneous abortions and 100,000 ectopic

pregnancies every year. That is a total of 850,000 specimens from these two non-controversial sources. The Public Health Service conservatively estimates that from these two sources the tissue bank can obtain—this is a conservative estimate—2,000 suitable donations per year. Given that the total number of transplants in the United States over the last 30 years is about 60, this number should certainly be ample to meet the research needs.

Myth No. 5: They argue that the emphasis on fetal transplantation research indicates that NIH is currently doing little research on Parkinson's, diabetes, and Alzheimer's diseases. But in fiscal year 1993, the National Institutes of Health will spend an estimated $600 million on Parkinson's disease, diabetes, and Alzheimer's disease research. In terms of current developments with regards to diabetes, for example, promising treatments are being developed such as insulin microcapsules with 2- to 6-month effectiveness.

Researchers are also working on the development of created organs, "organoids," such as the artificial liver made from Gore-tex, Collagen, and Heparin-binding Growth Factor-1. The development of an artificial pancreas to replace the beta cells in a patient with diabetes shows greater promise for the future of diabetes treatment than tissue transplantation. That is not to say fetal tissue transplantation research is not important, only that I want you to know NIH is doing a lot in this area, in addition to fetal tissue transplantation. I would like to see the fetal tissue transplantation go forward, but this bill is not going to get it.

Mr. President, we should be able to affirm that our research should be consistent with the highest ethical standards. Let us not settle for a utilitarian standard where human life is involved. The solution is the development of regional tissue banks using fetal tissue from miscarriages or spontaneous abortions and ectopic pregnancies.

I am gratified that President Bush, as well as many distinguished researchers, found merit in my proposal to facilitate research with fetal tissues by establishing fetal tissue banks and registries and cell lines. Unlike the majority of my colleagues, President Bush saw that these three programs provided a more efficient means for researchers to access fetal tissue than currently existed without compromising anybody's ethical beliefs. He recognized that only through the establishment of these programs that important research could move forward.

My prediction, when offering my amendment during floor consideration of H.R. 2507, was that the ethical issues that surround the transplantation of fetal tissue into human patients could cause this entire bill to fail. Unfortunately, it now appears that my prediction is likely to come to pass. I had hoped that my colleagues, along with the President and members of the research community, would see the wisdom of this alternative approach to capturing fetal tissue for research. The tissue bank established by the President, is a viable alternative to tissue from induced abortions. Unlike this bill, it will guarantee that this important research will go forward. In fact, I have been told that implementation of the fetal tissue banks is already underway.

Fourth: The conference report is weighed down with a new construction program for universities, authorizing spending of an additional $100 million. This is not new money. It will have to come out of existing research dollars. In real terms, it will mean the loss of 400 research grants per year. This $100 million, in addition to the $1 billion in indirect costs for the maintenance, renovation, and replacement of university-owned facilities that the Federal Government is already paying.

Fifth: Mr. President, I say categorically that there should be no discrimination against women and minorities with respect to their inclusion in clinical research studies. I not only encourage the inclusion of women and minorities in clinical research, but I insist on it. To respond to past problems, the National Institutes of Health, in February 1992, issued 80 pages of detailed guidelines ensuring the inclusion of women and minorities as subjects in research. The conference report attempts to address what many believe remains a legitimate concern. However, its solution follows a similar pattern to the remaining provisions of this bill: well-intentioned, but crafted so poorly that it harms the very cause it was intended to address.

The conference report dictates the study design and the manner that the study should be carried out. It attempts to provide for a valid statistical analysis of whether the variables being tested in the study affect women and members of minority groups differently than others. I am sure our elite biomedical scientists will be shocked to learn that Congress is now directly interfering with the design and analysis of their complicated research projects.

Let us look at how this mandate is going to affect research in the real world. The biostaticians of the National Heart, Lung, and Blood Institute of NIH were asked to look at how the requirements of this legislation would affect their current studies and to provide examples. Board No. 1, right here, shows this first chart, the current study of the digitalis investigation group of the National Heart, Lung, and Blood Institute, or NHLBI. This study is determining whether digitalis reduces mortality for those suffering from heart failure. This trial randomly assigns patients with heart failure to a treatment group or a placebo group. The sample size is 7,000 subjects to assure that statistical differences between the groups can be detected.

The cost of the study is $16 million. You have the digitalis group of 3,500 subjects. It is expected they will spend $8 million. The placebo has 3,500 subjects at a cost of another $8 million, for a total of 7,000 subjects with a cost of $16 million.

Let me show you the next chart. Let us look at the study designed as it would be transformed under the conference report. It was not too difficult to see how simple it was under the scientific approach. There is the congressional approach. To get the gender and minority mandate of statistically valued examples, we now have five male ethnic groups and we have five female ethnic groups, as you can see—American Indians and Alaskan Natives, Pacific islanders, blacks, Hispanics, and whites, for both sexes.

These ethnic groups, as I have said, include American Indian/Alaskan Natives, Asians, black, Hispanics, and whites. To meet the requirements of the conference report, the study would need 70,000 subjects at a cost of $160 million. Make the comparison. This is what the scientists wanted to do which would get us there. The digitalis group, 3,500 subjects, $8 million; the placebo group, 3,500 subjects, $8 million; total subjects 7,000, cost $16 million. This new gender group, by Congress dictating to the scientists what ought to be done, will now have 5 categories for males, 5 for women, 70,000 subjects, $160 million in cost to do the same thing we could have done for $16 million. You wonder why the American people are going crazy?

Let us look at all the complexities of this. Let us put up the next chart.

Let me repeat while we talk about it. That study will cost $160 million compared to $16 million, or 10 times the amount of the current study. This one example demonstrates that this provision of the legislation, while well-intentioned, and I cannot fault anybody for wanting for their good intentions, but it is totally unrealistic in the real world.

The bottom-line effect of this provision is that biomedical research will be stifled. Under current law, 10 studies could be conducted for the price of 1 under the conference report. The cost of research, National Heart, Lung, and Blood Institute, for digitalis, cost of current study, $16 million. That will get us the same distance. It would not look as good, but it would get us the same distance. It would give us the same results.

The potential cost of study under the conference report, $16 million. Section 131 in designing research studies and guidelines, "May not provide that the costs of including women and minorities in clinical research are a permissible consideration."

I would just say that the bottom-line effect of this provision, well-intentioned, is totally unrealistic. Biomedical research will be stifled. Under current law—under current law, 10 studies could be done for the price of one. I believe that the specific provisions contained in this conference report, including inclusion of women and minorities in clinical research, can and need to be readdressed. I do not think this is impossible or even difficult. It just requires some additional thought.

The women's research provisions contained in this bill simply will not work. The enormous price tag increase of the study because of the unrealistic requirement undermines the inclusion of women and minorities in clinical research.

Just think of the difference between now, the gerrymandering into a great big massive thing, and what it was before.

You can play this game many times over as to how we in Congress make things 10 times more expensive then they need to be just because we want to look good with our constituents. Serious stuff.

Let me quote from a letter I received from Secretary Sullivan, and I would like to introduce this in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, June 4, 1992.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR ORRIN: This is in further response to our mutual concern about the peer review provisions contained in the conference agreement on H.R. 2507, the NIH Reauthorization Act of 1991.

Of critical concern is Section 131 of this bill, which—while well intentioned—is unacceptable and unworkable on scientific grounds. This section would require that a large percentage of the clinical trials conducted or supported by the NIH assess gender and racial differences in treatments under evaluation even in the absence of a scientific reason to suspect that such differences exist. Such an inflexible requirement could in fact jeopardize the initiation of NHI clinical trials, including the very trials that would provide valuable data relevant to women's health.

As you know, the conference agreement on H.R. 2507 contains a number of other unacceptable provisions previously addressed by the Administration. Those provisions are discussed more fully in the attached Statement of Administration Policy.

Sincerely,

LOUIS W. SULLIVAN, M.D.

Mr. HATCH. He goes on to say:

Of critical concern is section 131 of this bill—

That is this part right now here, which while well-intentioned—

which while well-intentioned is unacceptable and unworkable on scientific grounds.

This is the lead doctor in America today, the head of Health and Human Services. Nobody can say he is conservative. I cannot think anybody can say he is ideological at all. But he is pointing out to us that that particular provision is unworkable on scientific grounds.

He goes on to say:

This section would require that a large percentage of the clinical trials conducted or supported by the NIH assess gender and racial differences in treatments under evaluation even in the absence of a scientific reason to suspect that such differences exist.

He goes on to say:

Such an inflexible requirement could in fact jeopardize the initiation of NIH clinical trials, including the very trials that would provide data relevant to women's health.

That is the Secretary of Health and Human Services.

Finally, I would like to quote several passages from the memorandum sent to the Director of NIH from Dr. Vivian Pinn, Director, Office of Research on Women's Research, and Dr. William Harlan, Associate Director of Disease Prevention, and I ask unanimous consent to print this in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Bethesda, MD, May 27, 1992.

To: Bernadine Healy, M.D., Director, NIH.
From: Associate Director for Disease Prevention.
Subject: NIH Reauthorization Legislation.

The purpose of this memorandum is to alert you to the potential impact on clinical research of proposed Clinical Research Equity (Title 1, Subtitle B) of the NIH Reauthorization Legislation.

Women and minorities should be included in clinical research studies and attention should be directed to insuring their inclusion and we all endorse the need for their representation. However, the following requirement has grave implications for clinical research. It specifies that, "the NIH Director shall ensure that the project is designed and carried out in a manner sufficient to provide a valid analysis of whether the variables being tested in the research affect women or minorities differently than other research subjects." As specified, this would have the effect of multiplying the required sample sizes for clinical trials and epidemiological studies. The sample sizes for observational and interventional studies are based on providing adequate power to reliably detect estimated differences in effect. If the differences must be detected for each group the total sample needed would be multiplied by factors of 5 or 10. Assuming 5 minority groups, a single gender study such as the Women's Health Initiative would need 5 times the current estimated size of 50,000 women to reliably detect differential responses of each race/ethnic group. A clinical study comprising both men and women would need approximately tenfold increase in size to test for differential effects by gender and ethnicity.

This requirement would affect the design of all clinical studies despite the fact that no important differences in effect across race/ethnic groups are expected for most clinical questions. Where differences would have been expected, the study design including sample size has been altered to provide for reliable group analysis.

This provision would have a stultifying effect on clinical research and paradoxically could hamper planned investigation of racial/ethnic differences that have been identified. As the sample size increases severalfold, issues of feasibility, availability of all groups within a particular geographic region and cost are similarly multiplied. Researchers in some geographic areas may not have adequate numbers of certain minority groups available. Several studies are under way or being planned to explore differences in disease risk or treatment response in a particular racial/ethnic group (e.g. hypertension in African Americans). Would these studies be required to increase the sample size so as to include other groups? This could actually impede scientific investigation of important differences.

In summary, the provision would profoundly and adversely affect the conduct of clinical research, however well intentioned it may be.

WILLIAM R. HARLAN, M.D.
Associate Director for Disease Prevention.
VIVIAN W. PINN, M.D.,
Director, Office of Research on Women's Health.

Mr. HATCH. Referring to the research mandate in the conference report, these two research physicians state:

The following requirement has grave implications for clinical research.

This provision would have a stultifying effect on clinical research and paradoxically could hamper planned investigation of racial/ethical differences that have been identified.

In summary, the provision would profoundly and adversely affect the conduct of clinical research, however, well-intentioned it may be.

It is well-intentioned. I do not find any fault with my colleagues for their good intention. But, let us listen to these scientists. Let us not just impose our own ideas of social justice here. Let us just listen to the scientists.

I might add, finally, the bill authorizes the NIH to purchase 300 acres of land in a specified State for a satellite campus. The administration letter correctly points out that this provision statutorily confers special benefits to a single geographic location without any consideration whatsoever to the advisability or merits of locating the facility in another of the 49 States.

So in conclusion, we have a conference report that is defective on several accounts. You do not even have to get into the substance to see that.

This bill is riddled with problems.

It is a prime example for deficit spending by anyone's estimates. It is full of special new mandates and programs. It violates America's—across-the-board—ethical beliefs, good signs and the U.S. Constitution. It is opposed by the President, the attorneys general, the Secretary of HHS, the NIH Director. I keep asking myself what do these people know that I do not. The answer is easy. The conference report is not a responsible piece of legislation.

So I am going to suggest that through this debate today really

should not center on biomedical research at all. It really is not the fetal issue; it is about congressional responsibility, fiscal and moral.

I think our constituents deserve more than that, our President deserves more than that, the National Institutes of Health deserve more than that.

I urge a "no" vote.

Finally, I think we ought to quit micromanaging the NIH. It happens to be a great agency that does a great job.

I know the distinguished Senator from Massachusetts and I have gone down the road together in this for years. I know he is not responsible for all this micromanaging. It basically comes from the House but it is there. And it is going to kill NIH and is going to hurt research and in the end it is going to hurt everything we are trying to do.

When you start looking at simple studies versus the complex ones that the Congress is saddling the NIH with, compared to simple studies that they think are adequate to do the job and they are scientists, we are not, this simple chart versus all of this complexity chart, you have to say: My gosh, when are we going to start doing what is fiscally responsible around here. And there is one illustration. We could give many others. The fact is that we are not fiscally responsible.

Within the next few days, the House is going to bring up the balanced budget constitutional amendment and I believe that they have a good chance of passing it in the House. The odds are against us in the Senate and I think it is easy to see why, because many in the Senate want to spend more. I would like to, too, if we just had the moneys. There is a lot of good we could do if we had more money to spend. Someday we are going to reach a point we have to make priority choices among competing programs.

If we can get the same bang for the buck by this program that just has two aspects to it but will get us down the same road compared to this program which has 20 aspects to it versus 2, it seems to me we ought to make the priority choice to go with the simpler program rather than this complex approach just because certain lions here on Capitol Hill think this looks better. It may look better, but it costs us 10 times as much to do the same thing. Unfortunately, we do that all the time around here, and I, for one, am getting tired of it. I think it is not the way to go.

With regard to the fetal tissue research thing, I feel badly. If this bill is vetoed, and I believe it will be, and if that veto is sustained in the House, I feel badly that we will not, for 1 more year, again have reauthorized the National Institutes of Health bill. I know that the distinguished Senator from Massachusetts wants to do that. I want to do that. But I do not see how we can. And I think we will have stultified, because of allowing the moral and ethical issues to come into this—in other words, abortion—we will have stultified fetal tissue research at a time when we could have gone forward. And there is not a person in this body who is stronger for fetal tissue research than I am.

I kind of resent the way the last debate was presented by some of the media, who never mentioned that I was for fetal tissue transplantation research. I feel this is the only way to get us down the road to get it done. I think we have enough specimens to do it, according to the scientists. In this split between the scientists, we still have enough effective and intelligent scientists who say we can get down the road with the ectopic pregnancies and spontaneous abortions and that would be a far better thing to do than get us involved in the abortion debate on this very, very important issue.

I know that it is not the desire of the distinguished Senator from Massachusetts to do that, but some cynically have done it because they love the abortion debate. Frankly, I hate the abortion debate. I wish we did not have to debate it. I wish we could resolve it in some reasonable manner in the best interest of everybody. But, unfortunately, it cannot be resolved. Therefore, by getting us into that and not allowing a system to go ahead that might work, and I think will work, and that scientists say will work, and maybe not getting this bill reauthorized, again, I think we stultify the NIH and we stop doing some of the good things this bill can do in favor of things that basically will not be done.

So, Mr. President, I am concerned about it. I like it a lot better when the distinguished Senator from Massachusetts and myself can walk together on these issues and can be together on these issues. I think when we are, we have a lot less opposition. On the other hand, I know that there are people who are very sincere on both sides of these issues, and I commend them for that and recognize that, and I do not want to find fault with them.

But there are some who are not so sincere, too who, callously love the abortion issue more than they love anything else. They think they are going to get an advantage with that issue. All they are doing is stultifying medical research.

I think we could go forward if we stay out of that particular area unless or until we can absolutely prove that induced abortion tissue is the only way we can go down this road. If that is the absolute scientific proof and the facts show that, then I will do everything in my power to see that fetal tissue transplantation research goes forward on that basis. I would like not to have to do that, but I feel that deeply about fetal tissue transplantation research.

But let us at least try. Let us at least try to go as far as we can on what the Assistant Secretary of Health says, on what the Secretary of Health and Human Services says, on what the Director of NIH says, and, of course, on what so many scientists across the land say as well—that we can advance the research with noncontroversial sources of tissue and avoid the moral or ethical debate that stultifies fetal tissue research.

Mr. President, this is an important debate, it is an important bill, it is an important approach. I presume it will pass here today, but I have to say I hope that my colleagues look at the extra costs being built into this bill. I hope they look at some of these gerrymandered, crazy approaches, and I hope they look at some of the lack of science that we have talked about, and I hope they look at the micromanagement that is going into this bill that basically, I think, makes NIH less of a research institution than it should be.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator from Oregon desires.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Thank you, Mr. President.

Mr. President, I have just returned from my State of Oregon where I spent several days during the Memorial recess focusing on medical research. I had the unique opportunity of meeting with people engaged in medical research, everything from AIDS to breast cancer to EB [epidermolysis bullosa]. I found, again, the need to be out into the constituency to put human faces on many of the issues that we deal with here in the Congress.

Mr. President, I am a visual learner. And I must say in my years of work on the Appropriations Committee, sometimes we get so involved with dollar figures and dollar increases or dollar reductions in the budget and appropriations process that we lose the human factor or we miss the human face attached to and for which the dollars are but a means to an end.

Mr. President, it seems to me that as we look at this conference report for the NIH reauthorization bill, we have to make certain that we relate these policies, these statistics, these data, these rules, these regulations to the human face, the human person. Otherwise, we are dealing with faceless, nameless decisions. And I think this is especially true today in our consideration of fetal tissue research. We must literally focus on the millions of people who suffer from a myriad of diseases which may be helped through this promising technology.

While we are not abandoning our concern for all life—and my position on

pro-life issues is well documented. Long before Roe versus Wade brought the abortion question into the picture that we face today, Mr. President, a former Senator from Utah, Mr. Wallace Bennett, and a Senator from Iowa, Mr. Harold Hughes, and I joined together in raising this as a public issue to be dealt with. I will take a back seat to no Senator on this floor as far as my pro-life position is concerned.

Mr. President, I have voted against abortion every time that issue was presented on this floor. I am unalterably opposed to abortion on demand. I believe in it only in the case of saving the life of the mother. I do not condone the kind of abortion mills that have been set up across this country, where millions of lives are being aborted. I want to make that very clear. And, Mr. President, I oppose the death penalty for the same reason, my reverence for human life. I oppose war for the same reason. And I again would remind my colleagues, I was the only Senator out of 100 who voted against both the Democratic resolution for war and the Republican resolution for war in the Persian Gulf, because of my abhorrence for war.

But, Mr. President, this is not an abortion issue. I repeat, this is not an abortion issue. And I have stood shoulder to shoulder with my colleague, the ranking member of this committee, and the leader of the Senate for so many causes. I have stood shoulder to shoulder on the abortion question with him, time and time again. But I respectfully and very deeply regret the fact that I must separate myself at this point because I do not view the fetal tissue research as strictly an abortion issue. Abortion-related? Yes. But it is not an abortion issue as such, as we have faced on so many occasions on this floor.

I believe that fetal tissue research is one of the very things that we have to give, to our people who suffer, some hope—some hope and promise from the research that fetal tissue provides. I think it is disheartening that this issue has become less of a research issue, as I say, and is being identified as "an abortion issue." I have heard all the arguments in opposition to this research, that it will promote abortion, that it provides an incentive for abortion. And I believe these concerns have been addressed. They are legitimate concerns. However, through the safeguards and restrictions included in this legislation, it now has reached a point where I believe it is not singly and solely an abortion issue.

Fetal tissue for research is not about abortion, I repeat, it is about saving lives, the lives of once-productive members of our society, the lives of our family members.

Let me address the policy changes in this legislation that do not make it an abortion issue. Currently, there are no regulations that apply to privately funded fetal tissue transplant research. No law prevents the sale of tissues. No law prevents a woman from being compensated for the tissue. No law prevents a woman from designating the recipient of the tissue in privately funded research settings. The regulations today are only on public research, publicly funded research.

The legislation before us changes that whole picture. For the first time restrictions now will be placed on both public and privately funded fetal tissue transplant research. Specifically, this bill prohibits the sale of tissue. This bill prohibits compensation for the donation of tissue. In addition, it requires that the identities of the donor and the recipient remain confidential. It breaks the existing linkage between donor and recipient.

In other words, a woman under this legislation could not designate a family member or a friend as the recipient of the tissue. Furthermore, it prohibits changes in the timing or procedure used to terminate a pregnancy. And physicians are prohibited from discussing tissue donation until consent has been received for the abortion.

Think of this. These are the safeguards that this bill will provide. The physician must certify that that process was followed, and any violator of the above restrictions would be subject to stiff criminal penalties, including fines and/or imprisonment.

I join with my colleague from Utah, I would like to remove all the abortion on demand. I would like to make that the mode of this country. But it is not today possible to do that. We have to face the reality that abortion on demand is in place and being practiced, whether we agree or disagree with that issue. That is the reality of the moment.

I think I could not state it more plainly by supporting the fetal tissue provisions of this bill, for we are absolutely and positively ensuring that abortions are not being performed in order to obtain fetal tissue, which is true today. It can be and it is being practiced. We have heard those stories of people who can say, well, I will get pregnant in order to abort the pregnancy in order to provide the tissue for a transplant. This bill will prohibit that in the sense of being able to identify the recipient of the tissue resulting from the abortion.

If my colleagues choose to oppose this bill they are not only closing the doors on promising research, they are permitting possible abuse by refusing to enact these regulations on private research.

Last week the President issued an Executive order to establish a fetal tissue bank to supply researchers with fetal tissue from tubal pregnancies and miscarriages. This initiative is an improvement. However, it does not sufficiently open the door to comprehensive fetal tissue research. Over and over it has been stated by researchers that in the majority of cases this type of tissue is unreliable. It is often diseased and unusable.As many of you know, the current ban allows researchers to use tissue from tubal pregnancies and miscarriages, and these researchers have found it to be of little value. In fact, research using this tissue is practically nonexistent.

The bill before us represents a carefully designed research program. If it is defeated or vetoed there are no alternatives and there will be no hope for the human faces, literally begging for this opportunity.

It is time to look past the abortion politics and to realize the long-term benefits of fetal tissue transplant research. No one is holding fetal tissue research out as a medical silver bullet. However, basic research has demonstrated the promise of fetal tissue transplants.

When viewing life in the broadest perspective we must ask ourselves, can we pass by the opportunity to find cures for diseases which diminish the quality of life for so many? Can we hide the human faces of suffering all across this Nation? Can we erase these painful images from our minds? Mr. President, I have wrestled with this problem for a very long time, and I must say I started on the premise that it was an abortion issue, that I would have to oppose. But I have come to the conclusion, after careful research and careful consideration, and prayerful thought, that it is not. Therefore, I hope that our colleagues would support this bill and that the President would give us an opportunity to enact it into law.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. I yield 5 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I want to say a few words in support of the conference report on H.R. 2507 and in particular in regard to the provision on Juvenile arthritis.

H.R. 2507, the National Institutes of Health Revitalization Amendments of 1992 is important legislation. It creates new programs for breast cancer and prostate cancer research. It extends programs in heart disease research, the No. 1 cause of death in America. The measure before us also authorizes funding for research on aging, vaccines for children, and osteoporosis.

Mr. President, the debate today is centered on the provision that provides for fetal tissue transplantation. I believe in the promise of the research and support lifting the ban now in place. My concerns about ensuring that this important medical research does not encourage abortion have been met. I

am also satisfied that appropriate oversight measures have been included. Literally millions of Americans are currently suffering from incurable diseases such as Alzheimer's and Parkinson's disease, juvenile diabetes and juvenile arthritis, hurlers syndrome and numerous genetic disorders which debilitate the unborn.

Every Member of this Senate has been or will be affected in some way by one of these tragic diseases. At some point, a family member, friend or neighbor will be affected. With longer life expectancy in America, the chances are good that a number of us in this body will experience an illness that today is incurable. Fetal tissue has been used in research since the 1950's and was vital for the development of the polio vaccine. As well, fetal tissue is extremely adaptable, grows well and rarely causes the rejection that is common in organ transplants. I believe the research in question is too important to allow it to remain caught up in politics.

Of particular importance to me is a provision that I believe to be a major step forward in research into juvenile arthritis. I would like to take this opportunity to thank the senior Senator from Massachusetts and his able staff, as well as my former colleague on the House Subcommittee on Health and Environment, HENRY WAXMAN and his staff, for including this much needed provision in the conference report.

Mr. President, growing up in today's society is not easy. However, growing up with arthritis poses an even tougher set of problems and challenges for the estimated 250,000 children in the United States who have some form of the disease. Arthritis can strike at any age and can last a lifetime. As with adults, juvenile arthritis can make even simple tasks, such as walking or tying shoes, seem difficult and frustrating, affecting the quality of life for our future citizens and leaders. It is a crippling condition that attacks the joint and major organs such as the heart, liver, spleen, and even the eyes. There is no cure.

Despite the fact that juvenile arthritis is the No. 1 chronic disease affecting children in the United States. Despite the fact that a recent survey of rheumatologists determined that 10 percent of all arthritis sufferers are in the pediatric and teenage groups, little research has been conducted at NIH. I applaud the Senator from Massachusetts for including this in the bill.

Section 801 directs the National Institute on Arthritis and Musculoskeletal and Skin Diseases [NIAMS] to significantly expand its research commitment to arthritis affecting children. NIAMS has been sorely lacking in allocating resources toward understanding the causes and developing treatment for juvenile arthritis. I am especially pleased that section 801 requires the establishment of at least one, multipurpose arthritis and musculoskeletal disease research center to expand research into the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitations of children suffering from arthritis and musculoskeletal diseases.

Mr. President, this legislation is too important to biomedical and behavioral research to be discarded over one issue. It provides NIH with the necessary authorities to meet the challenges ahead. I strongly support the adoption of the conference report.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, with all due respect for the Senator from Utah whom I continue to respect and believe in his conviction, I think it is really important, crucially important, that we pass this NIH reauthorization bill.

Mr. President, I simply do not believe that this is a debate about abortion, and if my memory serves me correctly, there have been two panels, at least: One under President Reagan, one under President Bush. Those panels were comprised of members who were pro-life and pro-choice, and those panels overwhelmingly approved fetal tissue transplant research. Both those panels really were very conclusive in what they had to say, which is that there is a clear wall of separation, there are clear safeguards within this reauthorization bill.

Mr. President, I do not think the issue has anything to do with abortion. I think it has to do with whether we are going to discard fetal tissue or whether it is going to be used to save lives.

Mr. President, I want to respond for a moment to comments that have been made on the floor that perhaps some of us who speak so strongly for this reauthorization bill are not really serious. We are very serious. Nobody is trying to play politics, and from my point of view, much of our debate on the floor of the Senate really is very personal, and is about peoples' lives.

Mr. President, both my parents had Parkinson's disease. That is why I have been in the middle of this debate from the very time that it came before our committee, the Labor and Human Resources Committee. All I can say is I think back to my struggle with my parents—neither of them are alive today—and I think about some of the people who I have come in touch with, such as Joan Samuelson who came from California and testified. Her testimony put me in tears. Ann Udall, whose father Mo Udall suffers from Parkinson's disease and, for that matter, all the men and women I marched with just a couple of weeks ago when we had a March for Parkinson's research, some of them with Parkinson's, many of them with relatives who have had Parkinson's disease.

Mr. President, I have to tell you that from the point of view of many people in our country, whether it be Alzhemier's, Parkinson's, or diabetes, there is a real impact when they hear about the potential of some of the research that is being done.

With Parkinson's, we can talk about the University of Pennsylvania or the University of Colorado—there is some real hope. And that is what this is all about. It is not about abortion. There is a clear wall of separation. There are clear safeguards. Two commissions have so ruled. It is about whether or not we will be able to use some of the fetal tissue for research that could make a huge difference, a huge difference to people who are now suffering.

Mr. President, I am going to say on the floor what I said one time before because I just think it makes the point. A very close friend of mine, Michel Minot from Northfield, MN, has walked across different parts of the country in behalf of Parkinson's disease, in behalf of research to cure Parkinson's disease.

There are now walks. The one that I took part in for Mo Udall was named after Michel Minot. It was in honor of Mo Udall but it was the Michel Minot walk. I will never forget how one day in Northfield, MN, sitting in a restaurant, actually McDonald's—when my father got older, he loved McDonald's because there were all kinds of kids there and lots of bright colors. It was a bad day for my father, and anyone who has had a relative with Parkinson's knows what I am talking about. He was really having trouble walking. He was having trouble speaking. He had the gait, and he was shaking, and he looked bad and was really down.

I saw Michel at the front of the restaurant and usually we went out the front door. That day we walked my dad out the back door. My dad did not know why. I did not want to walk my father past Michel who then was about 38. I did not want Michel to see his future. I did not want Michel to lose hope.

I want to make it clear on the floor of the Senate today that for Michel Minot, Joan Samuelson, and Ann Udall and all sorts of other people, with Parkinson's, Alzheimer's, diabetes, the cruelest thing we can do is not pass this bill by such an overwhelming vote that it is clear to the President that we will override any veto. The cruelest thing we can do is to pour cold water on the spark and the hope that people now suffering from these diseases have that this research could really make a difference for them.

Mr. President, I yield the rest of my time.

Mr. REID. Will the manager of the time yield time to the Senator from Nevada?

Mr. KENNEDY. How much time does the Senator want?

Mr. REID. Fifteen minutes.

Mr. KENNEDY. I yield 15 minutes.

The PRESIDING OFFICER (Mr. DODD). The Senator is recognized.

Mr. REID. Mr. President, I rise today in support of this NIH reauthorization bill. I would like to extend my appreciation to the committee and its chairman, the Senator from Massachusetts, for bringing this bill to this body. I am grateful that the conference was able to be completed with a bill as strong as it is.

I want to talk about a number of things today, Mr. President. But I would also like to talk initially about a trip I took to the National Institutes of Health. I recommend that every Member of this body should visit and spend a day at the National Institutes of Health. We hear so much everyday about the Government being castigated, where the Government is spending too much money in this area, not enough money in this area, we are not working hard enough, traveling too much—all kinds of negative things about government on the national, State, local level. But I recommend that every Member of this body go to the National Institutes of Health because you will feel good about Government.

The National Institutes of Health is what is good about our Government. It is there that the United States is predominant. We are, by far, the leading country, as far as research dealing with health, and the reason we are is because we have the National Institutes of Health.

The day that I spent at the National Institutes of Health was truly a remarkable experience—meeting the directors of those institutes—people who have devoted their lives to making people well and finding the reasons people get sick.

This bill that is now before the Senate addresses a number of different issues. One issue that has been talked about on a number of occasions already today is the direction this legislation takes toward addressing health issues relating to women.

Mr. President, several years ago, in my Las Vegas office, I was asked to visit with three women. These women did not want to be in my office. They came out of desperation. They came because they had a disease, a disease that afflicts 500,000 people in America today, a disease called interstitial cystitis—a disease that afflicts the bladder. This is a disease that women have; not men, but women.

When these women came to see me, there had been no research done on the disease. No one knew what caused it, how to cure it, or even how to relieve the pain that accompanies this disease—debilitating, it affects peoples' lives. Many of the people who have this disease wind up being divorced.

They talked to me about the disease. I was flabbergasted. I never heard of this disease. I came back to Washington, and I learned that there are other diseases that afflict women that have been ignored, not only the disease we call IC, interstitial cystitis, but lots of other diseases—lupus, osteoporosis, multiple sclerosis, a disease which afflicts many women, and of course ovarian cancer, breast cancer.

Why? We could go into a lot of reasons why these diseases in women have been ignored, but the main reason, quite frankly, Mr. President, is that we have had for decades and decades male-dominated legislatures.

Hopefully, we are going to become more concerned. This reauthorization will necessitate the National Institutes of Health, this preeminent research body, to now be more interested in diseases that afflict women. This bill provides for permanent authority for an Office of Women's Health within the office of the NIH Director. It mandates clinical research equity in every institute, which ensures that women and minorities will have their share of research.

We have heard about the aspirin study to determine the effect of aspirin on heart conditions. I do not remember the exact number. I think, Mr. President, 20,000 people were tested. That is the kicker. Not a single woman; only men. And this is the way it has been. So this legislation will require women's interests to be considered.

This legislation requires research on the aging process in women. That is also important because, unfortunately, Mr. President, physicians have a poor understanding of the effects of aging on the development of disease in older women. One-third of the women in America are postmonopausal and doctors are without the tools to treat the accompanying aging problems. This bill requires research on the aging process in women, especially on the effects of menopause and the loss of ovarian hormones.

Further, $40 million is appropriated for research of osteoporosis, a disease afflicting one-third to one-half of postmenopausal women and resulting in 50,000 deaths annually. We think of osteoporosis as something that will cause you to fall, maybe and break your leg, but it can result in death. In addition to research in osteoporosis is the study of Paget's disease and other related bone disorders.

Information is the greatest necessity, I believe, Mr. President, in women's health today, and we have too little information that is available.

This legislation will also require a woman's health registry and data bank. This will provide information for prevention and also, more importantly, research. There is $225 million for breast cancer research, prevention, education, and research centers. In the small State of Nevada, more than 200 women will die this year, 1992, as a result of breast cancer.

It is important that we all support this legislation for the health of our wives, daughters, mothers, and all American women.

I talked initially about the trip I took to the National Institutes of Health. I talked about being impressed with some of the people with whom I met there, with all of the people with whom I met, specifically some people. I remember meeting with Dr. Murray Goldstein, who is Director of one of the Institutes. He talked about something that had just come into being at that time. It has been a year or so ago. It was a study which related to paralysis. We have, every day, tragedies that occur, most of it with young people diving into pools that are too shallow or bodies of water too shallow, motorcycle accidents, automobile accidents, where paralysis develops.

Dr. Goldstein talked about how, on one occasion, a group of scientists came to him and talked about how they believed heavy doses of steroids would slow down paralysis. They ran the test. It was a failure. The scientists did some more work in the lab, came back again to Dr. Goldstein and said, "We think this will work. We need to try it again." Again, they did a nationwide test of this program. It failed again. It did not work. It did not do anything to stop paralysis.

On the third time they came back, they said, "We know this will work. It has worked on animals. It has worked on computer models. We think it will work." So for the third time they, after much urging, tried this experiment, and it worked. Now, Mr. President, in every trauma center in the United States, these steroids are available to prevent paralysis from trauma. Basically, they have to do it within the first hour of injury. It is inexpensive, costs less than $100.

I was in a town called Yerington, NV, this past week and saw one of my friends who had been involved in an accident. She was in a dune buggy in the desert, turned over, and she was paralyzed. She has three children. I talked to her a little bit. I said, "I went to the National Institutes of Health and it is too bad you did not have the opportunity to have these steroids given to you right after the accident." She said, "I did, not right after the accident, but they were given and they have helped me. I was paralyzed much higher than I am now."

These programs work. The National Institutes of Health is a great program. We have dedicated people there. We have a program that this committee developed early on for people who are

willing to do research in AIDS, the AIDS plague that is sweeping this country and the world.

If scientists were willing to come and work at the National Institutes, a program would be developed to forgive some of their student loans, a great program. I did not know that program existed when I went to the Institutes. I talked to one of the directors there and said, "What can we do to get more people here?" Because every place I went they were complaining because of the lack of scientists. They said, "We can't keep scientists here. We can't get scientists to come." Why? Because when a medical student gets out of school they owe, on an average, $50,000. That means, of course, some owe nothing and some owe $100,000 or more. This is really burdensome and you cannot get a physician who is interested in medical research to come to one of the institutes because they are trapped in debt.

So I explained an idea I had. Why not, for every year they are willing to stay here, forgive a percentage of their loan? And the man I was talking to said, "We do this with AIDS."

Well, to make a long story short, Mr. President, this legislation adopted my legislation and the provision in this bill is my bill that does allow scientists to come to the National Institutes of Health, work there, and have part of their student loans forgiven.

This is important legislation to get these bright young minds from these great medical schools we have in the country to come and do medical research at the National Institutes of Health. Again, I extend my appreciation to this committee for adopting this as part of this reauthorization. This is important legislation. This program is going to attract scientists to work not only in the AIDS area, but in other areas—cancer, Alzheimer's, heart disease, Parkinson's, and on and on—with a multitude of diseases like interstitial cystitis. We are now spending money on that program, doing research in interstitial cystitis. I think it is important to recognize that these young men and women who are going to medical school, who want to do medical research, now will receive relief, so to speak, and be able to do that. We want to ensure that the National Institutes of Health remain the finest biomedical research facility in the world. It is now the finest facility in the world, bar none. There is not a close second choice.

So I encourage my colleagues to visit the National Institutes of Health. But more important, Mr. President, I encourage my colleagues to support this legislation. Let us continue making America No. 1.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, I rise today in strong support of the conference report for H.R. 2507, the National Institutes of Health Revitalization Amendments of 1992. Title I of this bill includes a provision which would lift the current ban on federally sponsored fetal tissue transplantation research that was imposed in 1988.

Everyone in this Chamber knows that I am a strong opponent of abortion, and I emphasized that when we first began debate on this bill in April. However, this is not an abortion issue, but a research issue. It is not about taking lives—it is about saving and improving lives.

A major concern with lifting the ban is that it will encourage abortion. I do not believe this is the case, and if I felt this bill would in any way encourage abortions, I would not support it. The fact is, fetal tissue transplantation research holds a great deal of promise for curing diabetes, Parkinson's Huntington's, and Alzheimer's diseases, and the ban makes it extremely difficult at best for researchers to obtain the tissue they need.

I believe that the safeguards included in the bill will keep the decision to terminate a pregnancy independent from the retrieval and use of fetal tissue. This is important, and this is what the public ought to be concerned about. These safeguards are:

First, the attending physician may ask the pregnant woman to donate the fetal tissue only after the decision to abort has been made;

Second, payment, or other forms of compensation may not be received for the fetal tissue; and

Third, the pregnant woman may not designate the recipient of the tissue.

In fact, these safeguards are based on the recommendations of the 1988 National Institutes of Health Human Fetal Tissue Transplantation Research Panel, which concluded that this research should be allowed.

There has been much discussion with regard to the feasibility of creating a tissue bank to store fetal tissue from spontaneous abortions and ectopic pregnancies for use in transplantation research. Recently, President Bush issued an Executive order establishing such a tissue bank. This is certainly a step in the right direction.

However, I am concerned that limiting the sources of tissue to that obtained from spontaneous abortions and ectopic pregnancies would severely limit research as well. It is highly questionable as to whether tissue obtained from these sources is suitable for this type of research. I believe the best approach is to lift the ban and allow all tissue to be used in research aimed at finding desperately needed cures.

Mr. President, in closing, as I said before, this is not a debate about abortion. This is a debate about allowing federally sponsored research that may save thousands of lives and improve the quality of life for many others with devastating diseases and disabilities. This is an issue that should transcend partisanship and politics and be judged on its merits alone. I urge my colleagues to support the conference report and allow this important research to go forward.

NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield 7 minutes to the distinguished Senator from New Hampshire, and if he needs more time, I will be happy to yield that to him.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 7 minutes.

Mr. SMITH. I thank my colleague from Utah for yielding time to me. I wish to compliment Senator HATCH for having the courage to take the position that he has on this issue. It is very contentious.

Mr. President, I rise to speak in opposition to the conference report on H.R. 2507, the fetal tissue bill.

America is perched on the brink of a decision over whether to enact a Federal policy legalizing the harvest of fetal tissue from induced abortions for research. The medical community is diligently trying to find whatever cures are available for debilitating diseases. However, there is a moral line we cannot cross—even in medical research.

Fifty years ago, the world repulsed at revelations of Nazi scientific experiments on living human beings. After that time, the civilized world decided that human tissue could not ethically be used for medical research or transplantation without the consent of the subject. Before we begin carving holes in that doctrine and abandon our code of ethics, we should take a very long look at the potential consequences to our society.

At the outset, let me say that I am aware of the suffering of many Americans whose friends and families struggle with diabetes, Alzheimer's disease, Parkinson's disease, and other crippling illnesses. I have an uncle who has had diabetes for over 40 years. My father-in-law has Alzheimer's disease, so I can sympathize with those who cling to the hope that using tissue from preborn children can provide the miracle cure which can return their relatives to productive and healthy lives.

Were my father-in-law able to stand here and comprehend this issue and speak—and he cannot—I think he

would say—in fact, I know he would say—that he would not want to see an unborn child lose its life for him.

Because of my own experiences, I particularly object to the way operatives have manipulated extremely sick people to their own political ends in connection with this controversy. We have received sanctimonious platitudes from the pro-abortionists about whether this dangerous step would be useful in treating victims of disease, whether it would encourage a substantial increase in abortions, and whether the tissue needed for transplants is just as available from other sources. But their assertions are devoid of empirical backing and contradict the evidence we have. The truth is as follows:

First, unless the method of performing abortion in America is altered in a way which would increase the danger to the mother, the abortion procedure ensures that most aborted infants cannot be used for transplant or research. Most abortions performed in the United States each year are performed with a vacuum suction machine that dismembers and destroys much of the fetal tissue, making it unusable for research or transplantation. Only 10 percent of early aborted babies would be usable for transplants under current practices, according to Janice Raymond—a feminist women's studies and medical ethics professor at the University of Massachusetts. Dr. Raymond also warned that "the number of elective abortions will never be enough for the amount of fetal tissue that doctors need."

Second, it is a fallacy to suggest that fetal tissue implantation has been demonstrated to be some panacea to a wide range of neural maladies. Claims to have successfully treated disorders in the body's chemistry or nervous systems through transplants are still the subject of hot debate in the medical community. Although two recent studies argued that modest improvements in a small number of Parkinson's patients had been achieved by fetal tissue transplantation, the fact is that only a very small number of fetal tissue transplants have occurred in the United States over the past 20 years.

In the medical journal Lancet, Dr. C.G. Clough, a British physician and researcher, concluded, "Although 100 operations with fetal implants have now been completed, there is little evidence of implant survival. * * * The technical difficulties of the procedure suggest that neural implantation is unlikely to benefit many patients with Parkinson's disease."

Third, new therapies could render tissue transplant obsolete. For example, just last month, NIH scientists announced an exciting new breakthrough in the use of GM–1 ganglioside to cure Parkinson's disease—a breakthrough which was achieved in spite of the moratorium and which will be pursued without fetal tissue from induced abortion. In the past few months, the possibility of coaxing nerve cells to regenerate themselves has also been achieved for the first time. We should not allow the focus on tissue transplanted from induced elective abortions to detract from ethically acceptable and innovative new research efforts.

Fourth, allowing the use of tissue from induced abortions could allow a woman in an emotionally wrenching situation to justify and feel good about the abortion, much like the feeling that one gets from giving blood. If this research and transplantation were to become prevalent, it could produce an escalating societal demand for aborted children, adding a new factor which could tilt the decisions of individual women in favor of abortion. For example, if a woman with an unwanted pregnancy is struggling to determine whether or not to have her baby or abort it, being told that her preborn infant's tissue may be used in medical research could push her to elect abortion and an innocent human life would be lost.

Although abortion proponents reject the idea that fetal transplantation procedures could increase the incidence of abortion, Harvard Law Prof. Laurence Tribe—testifying in favor of the so-called Freedom of Choice Act—disagreed. He stated, "each currently lawful abortion that State or local rules might delay or prevent represents a potential source of * * * liberty-enhancing and lifesaving medical information. * * *"

Fifth, pro-abortionists also argue that the propriety of using the tissue can be divorced from the tissue's source. They maintain that, because abortion is legal, the only question is whether aborted tissue will be wasted or used. This argument simply does not pass ethical muster. If induced abortions are unethical, tissue harvesting from those abortions is also unethical.

Sixth, despite all of the representations to the contrary, the fact is that usable fetal tissue can be produced without resorting to induced abortions. In an April 20, 1989, article in the New England Journal of Medicine, the Stanford University Medical Center Committee on Ethics stated:

> If tissue from spontaneous abortions could reasonably satisfy medical demands in both quantity and quality, it would be preferable to avoid the ethical problems of using tissue from induced abortions.

All of us support an increase in efforts to develop treatments for victims of debilitating diseases. However, this research and transplantation can be done with tissue from spontaneous abortions, ectopic pregnancies, and cell cultures without any of the ethical implications of using tissue from induced abortions. There are at least 100,000 ectopic pregnancies a year—at least 1 to 2 percent of which would produce tissue suitable for transplantation. In three hospitals alone, there were 3,518 miscarriages over a 10-year period; and 5 to 7 percent of these were found to produce tissue suitable for transplantation. Furthermore, the cells of a single donor can be cultured to benefit as many as seven recipients.

Since April 1988, when the moratorium on the use of tissue from induced abortions was implemented, the National Institutes of Health have spent more than $23.4 million to support 295 research projects involving the use of human fetal tissue using alternative sources. Scientists such as Yale University Medical School Associate Dean Myron Genel concede that federally funded fetal transplant research has continued unabated. The Central Laboratory for Human Embryology at the University of Washington has supplied nearly 10,000 fresh human embryonic and fetal specimens to hundreds of clients, even though it says it does not provide fetal remains from elective abortions.

Seventh, notwithstanding the safeguards contained in the fetal tissue bill, there is a serious danger that, if this procedure became popular, women could become incubators for the new demands of medical science. As we are seeing with respect to efforts to alter last year's civil rights compromise and 1990's budget summit agreement, compromises such as the fetal tissue safeguards can be changed. Janice Raymond has stated:

> Women become the resources whose bodies are mined for scientific gold * * * handmaidens for medical procedure transplants.

Mr. President, why has such an obscure and untried technology as transplanting human brain cells being treated as a miracle cure? One suspects that, in the case of many proabortion groups, this is hardly more than a cynical attempt to enlist another group of hope-starved Americans into efforts to achieve abortion on demand. The radical abortion-on-demand lobby is taking advantage of the highly charged emotions surrounding the issue of medical research in order to further their own agenda of abortion at any time, for any reason.

Using the remains of an aborted child for medical research is just one more way to justify the abortion of unwanted babies—abortions conducted for the convenience of the mother rather than respecting an innocent human life. It is time to end the manipulation.

For the reasons I outlined, I will vote against this conference report and I will vote to sustain the Bush administration's inexorable veto. Federal funding of fetal transplantation experimentation would allow taxpayer's dollars to provide for a system of treatment that depends solely upon a steady and increasing flow of aborted babies. This

will create a higher societal demand for aborted infants. Surely, America has higher ethical standards and more important national priorities than harvesting of preborn children for medical spare parts.

I commend President Bush for having the courage to stand up and say that he will veto this legislation.

I thank my colleague from Utah for yielding time.

Mr. HATCH. I yield to the Senator from Connecticut.

The PRESIDING OFFICER (Mr. ADAMS). The Senator from Connecticut is recognized.

Mr. DODD. I thank my colleague from Utah, and I will try to be brief because I know a number of my colleagues are waiting. I want to thank the distinguished members of the Labor and Human Resources Committee who brought this to the floor. It is obviously a contentious issue, fetal tissue transplantation research. But I also think there is a point here that should not be overlooked in the midst of this debate and that is the emphasis within this conference report on those research projects that address medical problems and diseases that are unique to women, or impact women in disproportionate numbers.

In the past, as has been mentioned by others here today, we have seen too many studies conducted where women have been entirely excluded. The most egregious example of that was, of course, the recent study done with aspirin and heart conditions where 22,000 people were subjected to that test to determine whether or not there was a relationship between the use of aspirin and reducing heart conditions. Of the 22,000 people who were subjected to that exam, not a single individual was a woman: an absolutely ludicrous use of research dollars, to exclude, entirely, the women of this country.

This report makes an effort to address those shortcomings by focusing on such diseases as osteoporosis, ovarian cancer, and breast cancer. In fact this report sets up the Office of Research on Women's Health at NIH to ensure support for research on women's health. I think the committees in both the other body and this Chamber, Mr. President, deserve a great deal of credit for that.

On the fetal tissue issue, I think the Senator from South Carolina [Mr. THURMOND] has said it well. This is not an abortion issue. That issue gets debated endlessly in this Chamber, and elsewhere, and will continue to be an issue of great contention.

This is an issue that goes beyond that particular question. As long as abortion is legal in this country, and it is, the question is whether or not fetal tissue can be used for research purposes, and this conference report makes that possible while imposing important safeguards. I think it is important to note these.

I would not support any proposal that would encourage abortion. While there is a great concern that this legislation would encourage abortion the safeguards in this bill ensure that the decision to terminate a pregnancy will be independent from the retrievel and use of fetal tissue. In addition to the extensive ethical, technical, and scientific review that all research application must undergo this measure would require that informed consent be obtained only after the decision to terminate the pregnancy has been made. In addition it would prohibit women from designating recipients or from being informed of the identity of the recipient. There are a number of other safeguards. I think those are worthwhile.

The important issue here is that critical research that is vitally important to people who are suffering from debilitating and terminal illnesses proceed.

So, Mr. President, I commend the committee for their efforts. I hope that this conference report will be adopted. And I hope that the President would see through the difficulties he has with the fetal tissue issue, and sign this conference report into law. It is a critical piece of legislation.

I thank the distinguished Senator from Utah for yielding me time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I yield 10 minutes to the distinguished Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it is doubtful that much if anything new can be added to this debate. The subject, however, is significant enough, and important enough, and divisive enough so Members should express their own views on the subject.

Clearly, fetal tissue research has been important in the past to the people of this country, and of the world, and will be important in the future. It has led to the vaccine for German measles, to successful research for the treatment of Rh blood disease, for genetic defects, and in the future it has real promise with respect to diabetes, Alzheimer's, Parkinson's, spinal cord injuries, and a number of prenatal diseases at the same time.

Nevertheless, there is a real issue and a real concern by reason of its relationship with abortion. And it is a commonly held truth that fetal tissue research should not be used in order to encourage abortions which would not otherwise take place. As a consequence, President Reagan appointed a 21-member panel of medical experts and ethicists to study the problem. The very substantial majority of that group came out in favor of allowing such research with clear restrictions on it. To those recommended restrictions, others have now been added. The bill codifies those restrictions, and adds others to them, in order to separate the decision to have an abortion from the decision to donate fetal tissue.

This Senator, at least, is convinced that separation is complete as can possibly be made under the law and that under those circumstances the value of such research should be paramount. As a consequence, I think it is appropriate, perhaps even urgent, that the conference committee report be approved by the Members of the Senate and sent to the President.

It is a divisive issue. It is an issue on which thoughtful arguments are made on both sides. It is an issue on which the great weight, in the view of this Senator, comes down in favor of allowing such research under the restrictions set forth in this bill.

The PRESIDING OFFICER. Who yields time? The Senator from Utah.

Mr. HATCH. Mr. President, I yield 3 minutes to the distinguished Senator from Indiana. If he needs more, I will be happy to yield it.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I thank the Senator from Utah for yielding me time. I will try to confine my remarks to the 3 minutes. I appreciate his generosity offering to yield more if I need it.

Mr. President, when this legislation came before us just a short time ago, I gave a lengthy statement on this floor relative to my decision on this very, very difficult issue. I struggled with this personally because of personal family experiences. I struggled with this from an ethical and a moral standpoint and I outlined what I thought were ethical and moral considerations that I did not believe the legislation addressed.

I supported Senator HATCH's alternative because I thought it provided a way in which we could continue needed research in the use of fetal tissue in treatment for some very serious diseases. I thought Senator HATCH's provision was well thought out, documented by scientific evidence and support, and was a way in which we could accomplish the goals that we were attempting to accomplish without raising these extraordinarily difficult ethical and moral questions. I was disappointed that his effort failed.

I supported the full NIH reauthorization because of the very important work that NIH does, not because I was happy that Senator HATCH's effort failed, but because the rest of the bill contained very important authorization for some very important projects.

I was hoping that the conference committee would take some of the questions that I had raised, Senator HATCH and others had raised, and try to address those and report back to us a conference report that incorporated some of those concerns. They have not done that, in my opinion.

I am reluctantly then going to vote against this conference report. There are many projects within the NIH authorization and work that NIH conducts that obviously I support and that I think are important and should go forward.

My vote against the whole bill, however, is based on the fact that through press accounts of this and through public discussion of this and almost the entire focus of the discussion in the House of Representatives, in the conference and even today, the entire focus is on the fetal tissue research. That has become the bill in itself. That has become, in my opinion, the vote. I regret that.

I am not exactly sure what the President should do. I think he should veto it and make a statement and take a stand because these ethical-moral questions have not been adequately addressed.

I hope that we could then sustain that veto and get back together and press forward with a much needed reauthorization for NIH, but adopting something along the line of what Senator HATCH has proposed as an alternative way of continuing Federal funding for important research, but in doing so in such a way that we do not encourage or use fetal tissue from elective abortions—not spontaneous, not ectopic pregnancies, but elective abortions. I think that is a line drawn that needs to be discussed, and that is what raises the question for so many of us.

With that, Mr. President, I thank the Senator from Utah for his tireless work and efforts on this, for fighting the good fight. I regret he has come up short, but hopefully he has laid the groundwork for negotiations at a future time that will allow us to accomplish the goals everyone wants to accomplish with this legislation.

I yield back the remainder of my time.

Mr. HATCH. I thank the Senator. I yield 3 minutes to the Senator from Vermont.

The PRESIDING OFFICER (Mr. DODD). The Senator from Vermont is recognized for 3 minutes.

Mr. JEFFORDS. Mr. President, I rise today in support of the NIH conference report, which endorses the Research Freedom Act. I strongly urge my colleagues to do the same, free of any limiting amendments.

The Congress is compelled to act on the issue of fetal tissue research by three undeniable facts. First, as we sit here today, millions of Americans are suffering and dying from progressive, deadly diseases—Parkinson's disease, diabetes, pediatric disorders, Alzheimer's, and many more—with no cure in sight. Second, fetal tissue transplant research holds enormous promise to give those suffering significant therapeutic help, maybe even cures. Third, against all logic, the administration refuses to allow support for this research to move ahead.

For 40 years, medical science has thrived on the use of fetal tissue research—the polio vaccine, just to name one, owes its discovery to this work. In 1988, though, the Reagan administration ignored the advice of its own expert panel and refused to allow the NIH to proceed with a human clinical trial using an implant of fetal cells. In the ensuing 4 years, this moratorium has stagnated and stalled scientific progress: the research exists only narrowly in the United States today, and scientific advancements are a pale shadow of what they would be if research freedom were allowed.

If there were any good reason for the moratorium, maybe the added suffering, and delays, and uncertainty would be justified. But there is not. Strong ethical guidelines, recommended by the Reagan administration's NIH panel and followed by the research community, fully separate the use of tissue from the abortion decision and procedure. The one cannot, and does not, influence the other. If this bill becomes law, those provisions would become Federal law, with criminal sanctions for violation. As the NIH panel found, there is no evidence—none—that any abuses have occurred, or would in the future.

I have carefully considered the arguments raised against lifting the moratorium. I am convinced that the moral, humane, logical choice is to use this tissue to save lives where we can. I also have reviewed the so-called compromise option, of only using the tissue from spontaneous abortions and ectopic pregnancies. If this were truly a viable alternative, it would be in use now. It is not.

As a result, we have only one option that responds to the great need of the millions of Americans who suffer from incurable diseases. This research offers them—and their many millions more loved ones—a gift of hope. The clock is ticking for each one of them. We cannot turn our backs on them any more. It is time for us to act. I feel very strongly that we should vote in favor of the Research Freedom Act, as provided in the NIH conference report.

I would also like to take this opportunity to thank the conferees for retaining an amendment that I offered to the NIH Reauthorization Act during Senate consideration of the bill. This amendment is the Workers' Family Protection Act which addresses the poisoning of American families with chemicals from the workplace. Toxic materials leaving the workplace on workers' clothing has been documented many times dating back to at least 1935.

Much has been said by me and others on the issue of fetal tissue research and the need to protect fetuses. Well, my provision protects fetuses. Studies have shown that fetuses and children are at risk from exposure to toxic chemicals inadvertently brought home from the workplace. For example, the lead levels of the newborn babies of the wives of lead workers have been found to be high enough to pose a risk to the baby. The Workers' Family Protection Act will reinforce much of the research done by NIH to protect the health of mothers, fathers, children, and fetuses. The greater good will be served by enacting this bill.

Before closing, however, I would like to express my concern over the funding provisions for the Workers' Family Protection Act as contained in the conference report. I have always worked and will continue to work hard to help NIOSH funding. I have carefully designed this legislation so as not to impose a significant burden on any Federal agency. The highest cost in any year is projected to be roughly $300,000. To hold this provision hostage to obtaining an additional $25 million for NIOSH seems unfair. I look forward to working with my colleagues to reach an acceptable resolution to the funding of the Workers' Family Protection Act.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Utah.

Mr. HATCH. Mr. President, I found a very interesting editorial in the Chicago Tribune, today's date, June 4, 1992, entitled "Trying To Make Abortion the Source of Miracles." It is written by Stephen Chapman.

I would like to read this editorial, because I think it means a great deal. It says.

Abortion is often associated with death, for some mysterious reason, but pro-choicers now portray it as a fountain of life. With a few precious cells from an aborted fetus, we are told, science can banish one awful illness after another—Parkinson's disease, Alzheimer's, diabetes. Even some pro-lifers have concluded that if abortions are going to continue, some good may as well come of them.

These coming medical miracles have persuaded both houses of Congress to swallow any qualms. Despite the prospect of a presidential veto, they've recently voted to lift the Bush administration's ban on federal funding of experiments using fetal tissue from elective abortions.

The administration prefers to set up a national tissue bank for this sort of research, collecting tissue taken from fetuses doomed by nature, not human choice—those lost in miscarriages and ectopic pregnancies. Critics say it won't work: Either allow aborted fetuses to be used or forget about helping all the people afflicted by devastating but potentially curable diseases.

One of the people invited to testify against the ban last year was Guy Walden, Baptist minister from Texas, who told a Senate committee that a fetal tissue transplant done in the womb may save his son Nathan from a rare enzyme deficiency that killed two of his other children. A strong argument against President Bush's policy? Not exactly: Nathan Walden's transplant came from an ectopic pregnancy.

Likewise, pioneering work on treating Parkinson's disease with fetal brain cells was

carried out in Mexico, using exactly the sort of material—tissue from miscarriages—that the president's critics say we can't rely on.

Plenty of medical experts defend the administration plan. Robert Cefalo, a professor at the University of North Carolina at Chapel Hill medical school, voted with the majority as a member of a 1988 federal advisory panel which endorsed repeal of the existing ban. He says the proposed tissue bank has "great merit."

The head of the National Institutes of Health, Bernadine Healy, who also voted in 1988 to lift the ban, says, "I can state unequivocally as a physician and scientist that this approach is feasible." Former Surgeon General C. Everett Koop agrees.

The opponents scoff, noting that few miscarriages take place in hospitals, where the remains can be preserved, and that most miscarriages and ectopic pregnancies yield no usable tissue. True. But of the 750,000 miscarriages that take place very year in this country, about 100,000 do occur in hospitals. About that many ectopic pregnancies also occur annually, all of which require surgery.

Experts estimate that from 5 to 7 percent of these would produce usable tissue, which—surprise—is about the same percentage as for elective abortions. So the administration's tissue bank could be expected to collect several thousand fetuses a year. That should be plenty for any foreseeable research needs, since fewer than 100 transplants using fetal tissue have ever been done in this country.

Whether medical miracles await isn't clear. The president's critics talk as if only his obstinacy stands in the way of a speedy remedy for Parkinson's disease, which causes a severe loss of muscular control and can lead to dementia. In fact, fetal tissue transplants have yet to provide a cure for the ailment and may never.

British researchers concede that such treatments aren't likely to help many patients. Neurosurgery professor Robert J. White of Case Western Reserve University in Cleveland says the experiments done so far "have demonstrated little measurable, lasting improvement" and finds scant evidence to suggest they will lead to a cure. For diabetes and Alzheimer's, where far less research has been done, the possibilities are even more speculative.

Honest medical experts may differ on the value of the administration's tissue bank, or of fetal tissue research itself. The real force for lifting the current ban, however, comes from abortion rights advocates. They would like to endow abortion with a humane aura, as a source of immense benefits to the sick and dying.

Turning abortion into the source of medical breakthroughs, real or potential, would make it that much harder to restrict or prohibit. If, on the other hand, fetal tissue research can proceed with material from miscarriages and ectopic pregnancies, one excuse for abortion on demand evaporates.

Lifting the administration ban is part of a strategy to obscure the ugly fact at the heart of abortion—that it kills a living being which is recognizably human. If pro-choicers want to combat death and suffering, they're starting in the wrong place.

Mr. President, I do not know whether all of these great scientists who say that we can find enough fetal tissue, healthy fetal tissue, from ectopic pregnancies and miscarriages are right or wrong. But I believe in some of these people who have made these comments. They are great scientists. They are great medical physicians. They are great medical practitioners.

Now, there are others on the other side who dispute this. On the other hand, I warned, when we brought this bill up originally, if there is any reason to base an opinion that ectopic pregnancies and miscarriages will produce enough healthy fetal tissue to continue the research, then there is no reason to get caught up in the abortion debate.

I resent people coming here and indicating that I am not for fetal tissue transplantation research, because I am hoping that we will find enough healthy tissue from ectopic pregnancies and miscarriages to do the job without getting into the ugly issue of abortion. I think we can. Medical science thinks we can. Innumerable doctors and scientists think we can. The President thinks we can. The top doctor at the Department of Health and Human Services thinks we can do this. Dr. Mason, who heads the Public Health Service, thinks we can do this. The top official at the National Institutes of Health thinks this is viable, and many, many others.

And yet here we are, exactly where I said we would be, insisting on this language being part of this conference report, knowing that the President will probably veto this bill, and he will probably veto it because it is $3 billion over his recommended budget for fiscal 1993.

A number of good things in this bill will not go forward either, all because my colleagues are not willing to see if the fetal tissue banks that the President has established by an Executive order will work. And, the Executive order is already being implemented. No, they want to rush ahead and have people at these family planning clinics, many of which are nothing but abortion mills, to tell these little teenaged girls that they are doing a great thing for society by aborting their babies so that society can use the tissue from those abortions in saving lives. Although saving lives is something that we all hope will happen through fetal tissue transplantation research, some scientists feel that the therapeutic benefit from fetal tissue has not yet been demonstrated.

I think we need to reauthorize the National Institutes of Health bill. This bill is not going to make it. In the process, the wrong message goes to our scientists at NIH that—other than what the President has done through the fetal tissue bank—Congress literally is not going to be in full support through authorization. And in the end, I think fetal tissue research is hurt by this very issue and by the very way it is being put forth today.

I have also made it clear that if all these scientists, including the head of HHS, the Assistant Secretary in charge of health at HHS, the head of NIH, and so many other scientists, including C. Everett Koop, in whom all of us have a lot of confidence, are all wrong, I will then help to use induced aborted tissue, and that is no small offer. But I say this because I feel very deeply about seeing that fetal tissue transplantation research goes forward. I do not know, but I believe that fetal tissue may be efficacious. I want to see all research avenues open to scientific investigation.

Yet, in this regard, we need to recognize that HHS has already begun implementation of the fetal tissue research bank under the Executive order of the President. It is going forward, and so we do not have to get into the ugly issue of abortion or the use of elected abortion tissue.

Mr. President, I have been yielding my time to the other side because we are short on time and I want to accommodate my friends and colleagues in the Senate. How much time should I yield?

Mrs. KASSEBAUM. Mr. President, I would like 2 or 3 minutes.

Mr. HATCH. I yield 3 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 3 minutes.

Mrs. KASSEBAUM. Mr. President, I very much appreciate the Senator from Utah [Mr. HATCH] yielding me a couple of minutes to speak to this conference report.

The President has said he would veto it. That has been debated rather extensively this afternoon. He has spoken to the fact that it is $3 billion over his budget authorization.

Mr. President, that is what I would like to speak to for a moment because I think it is very important for us to understand the difference between an authorization and an appropriation. We have $3.1 billion in funding authorized over the level that was requested by the President. But when the appropriation is brought to the floor for the National Institutes of Health, that appropriation will be, or should be, within the President's request. I am just as concerned as the next person about costs, and I think we must be more vigilant than we have been.

I would certainly be supportive of the President's efforts in the appropriations process to make sure they fall within the President's guidelines. I believe that we can. I am not concerned at all that we cannot meet that budget request at the time of the appropriation.

Let me give you an example of the funds that are authorized and are I think ones that can easily be maintained within the guidelines of the President's request: The conference report authorizes $2.67 billion for the National Cancer Institute; $1.4 billion for the National Heart, Lung, and Blood Institute; and $500 million for the National Institute on Aging.

The conference report does not authorize $1.6 billion for a new clinical research center at the National Institutes of Health. It does authorize what sums might be needed. This is over a 7-year period, it is my understanding. This is not a figure even that is there. At the time of the appropriation is when we should monitor what exact sum would be appropriated for that amount.

The conference report does not authorize $324 million for the purchase of 300 acres of land at the National Institutes of Health. That is an authorization statement that was made, again, with no sum of money that was determined or over what period of time.

I really believe, Mr. President, that the concerns with cost can easily be met. I share the worry of Senator HATCH who spoke to some of the micromanaging of the earmarks. I think we worry about that in a number of other areas of Government and where we must be more vigilant is in the oversight that we can exercise, in how the programs are run, and at the time of the appropriations.

The National Institutes of Health conference bill and the issues it addresses are far too important to be derailed by potentially correctable disputes over the authorization level. I am absolutely convinced this is so, and I think it would be very misleading for us to not understand the difference between an authorization and an appropriation of this kind.

I urge my colleagues to join me in sending this bill out of the House and Senate and to the President's desk, and I urge support for the passage this afternoon.

I yield time.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 6 minutes 42 seconds.

Mr. KENNEDY. I yield myself 5 minutes.

Mr. President, I want to express appreciation to Senator KASSEBAUM for addressing the issue of the investment in biomedical research that this particular authorization legislation authorizes.

I do not know why it is when we talk about investing in the health of our fellow Americans to prevent the 1 million cancer deaths each year or the over a million deaths from cardiovascular disease we are told that we are spending too much money. These are real people dying from diseases that we have the potential to cure. So why is it when we try to invest in biomedical research the administration sees that as unwarranted spending? But it's OK to spend billions of dollars on the B–2 bomber or SDI.

So, Mr. President, I am proud. The $5.34 billion that we have authorized for these important programs is an investment in our future and I hope that we will fight to appropriate the necessary funds to assure our country's leadership in biomedical research. During the last 12 years, the NIH has seen modest growth of 2 to 3 percent per year above inflation over the past decade, the success rate for NIH competing research projects has declined from 1 in 3 funded applications to 1 in 4. Inadequate funding of the NIH threatens to impede the critical progress we have made and forecloses us from developing desperately needed treatment and cures.

This legislation will assure that the Federal commitment to biomedical research will be there.

Mr. President, on the issue of the abortion versus research, let me just summarize very briefly our position. The measure before us is not about abortion. It is about whether to allow the use of tissue that would otherwise be discarded, for medical research to save lives. Nothing in the bill will provide encouragement for abortion. In fact, if its promise is fulfilled, the research may lead to fewer abortions.

There is no foundation or corroboration for the administration's claim that women will decide to have abortions in order to donate tissue for research. Instead, there is a sound evidence to refute that assumption. Fetal tissue has been used for research since the 1950's with no link to the incidence of abortion.

We listened to the debate on this issue when we considered the bill last month, and we are hearing the same groundless arguments as we consider the conference report. Where is the evidence? Where is the evidence for the allegations, the charges, and the misrepresentations that a woman's decision to have an abortion will be influenced by Federal support of fetal tissue transplantation research? The evidence is not there, and it has not been put forward to the Senate this afternoon.

Fetal tissue transplantation research as an incentive for abortion is especially unlikely since there will be no assurance that a tissue from a particular abortion could be or would be used for research. Evidence presented before our Committee on Labor and Human Resources at a hearing on November 21, 1991, indicates that recent success in the private sector with fetal to fetal transplantation to correct genetic defects would actually lead to reductions in the instance of abortion if the research were to receive Federal support.

So, Mr. President, it has been pointed out, the 1988 NIH human fetal tissue transplantation research panel appointed by the Reagan administration overwhelmingly, 18 to 3, recommended the course of action which we are putting forward to the Senate here today. Then the additional advisory committee unanimously recommended these recommendations to the Secretary of HHS. That panel included theologians, physicians, scientists, and lawyers, many of whom are opposed to abortion. They considered, in public forums, the ethical, legal, and scientific ramifications of this research and vote overwhelmingly that this research should go forward.

Finally, Mr. President, I want to include in the RECORD—I will extend the remarks with regard to the micromanaging in particular with regards to the women's issue and inclusion of minorities.

NIH has neglected the health needs of women and minorities for too long. According to a GAO report, the NIH has failed to properly implement its own policy. These provisions simply take steps toward closing the health gap women and minorities face today. We have set out in the conference report to direct the Director of the NIH to establish guidelines, including specification of circumstances where inclusion would be impractical. We must assure that women and minorities have the ability to participate in NIH-supported clinical trials.

Finally, Mr. President, I want to address the administration's fetal tissue registry restricting the source of fetal tissue to spontaneous abortions and ectopic pregnancies. An estimated 15 to 20 percent of recognizable pregnancies, or about 700,000 end in spontaneous abortions in the first trimester, according to the Journal of the American Medical Association; 60 percent are due to chromosomal abnormalities and are not suitable for transplantation, cited in the current Reviews and Obstetrics and Gynecology. That leaves 280,000; 77 percent of spontaneous abortions do not result in recognizable fetal tissue, cited in the Journal of the American Medical Association. This leaves 70,000. Most spontaneous aborted fetuses die in the uterus 2 or 3 weeks prior to abortion. One group found fewer than 1 in 500 specimens yield tissue that was viable and useful for transplantation—this leaves about 140 potential sources of tissue in the Nation; 140, to be collected from 50 States, and thousands of hospitals for the proposed tissue bank.

The figures for ectopic pregnancies are similar, Mr. President. There are approximately 88,000 ectopic pregnancies a year. With early diagnosis, 75 percent can be treated with surgery and chemical therapy. Of the ectopic pregnancies treated by surgery, 95 percent have no viable tissue. Of the remaining 5 percent, there is a high frequency of genetic abnormalities. It is estimated that less than 500 ectopic pregnancies per year would be appropriate for use in humans.

The President's program is not an alternative. The potential benefits of fetal tissue transplantation research offers extraordinary hope to tens of thousands of families that are afflicted with Parkinson's disease, Alzheimer's

disease, diabetes, cannot and must not be denied by this body here this afternoon.

So I hope, Mr. President, that we will get a strong voice in support of this program. It is an investment in the health and the well-being of all the families here in this country and there is no higher priority.

Mr. HARKIN. Mr. President, I rise today to urge approval of the conference report accompanying H.R. 2507, the National Institutes of Health Reauthorization Act of 1992. The conference agreement contains a number of important changes and advancements to our world-leading biomedical research program and will significantly enhance the work of the National Institutes of Health [NIH]. It will continue to move us forward in searching out causes, treatments and preventive strategies to health problems affecting so many Americans.

Mr. President, I am particularly pleased that the conference agreement includes several initiatives I have worked on for some time. First, the agreement maintains the provisions of S. 1887, the National Institute for Nursing Research Act of 1991, legislation I introduced in October of last year along with my colleagues, Senators KENNEDY, INOUYE, BURDICK, and DASCHLE. This proposal would appropriately elevate the status of the successful National Center for Nursing Research [NCNR] at the National Institutes of Health to that of an institute—the National Institute for Nursing Research.

Mr. President, it is appropriate that Congress take the important step of elevating the status of the Nursing Center to that of an institute, for it is long overdue. America's nearly 2 million nurses have for too long been denied the recognition and status they deserve within our health care system. Throughout our Nation's history, nurses have been at the core of our health care system, providing high quality and cost-effective care. Yet, the role and accomplishments of nurses within the health care system have too often not been given appropriate and equal recognition. And so it has been in the area of research. While NCNR has proven itself as a major force within NIH, and despite a structure and list of activities which put it on par with other Institutes, it has not been duly recognized through designation as an Institute.

The National Center for Nursing Research has been tremendously successful in its short history. Through its Division of Extramural Programs and Division of Intramural Research, NCNR has produced critical research findings that are already resulting in more affordable, higher quality health care for many Americans. For example, through a grant from NCNR, nurse researchers at the University of Iowa are developing cost effective ways of reducing the incidence of falls among frail older Americans. The results of this research will greatly improve the quality of life for many older Americans, while lowering long-term care costs for themselves and their families by reducing the incidence of broken hips, a leading cause of nursing home admissions. This is the type of specific health outcome research that will allow the NCNR to further build on its impressive beginning at the NIH.

Mr. President, I also am pleased that S. 966, the Contraceptive and Infertility Research Centers Act of 1991, a proposal that I introduced last year along with Senators PACKWOOD, HATFIELD, MIKULSKI, SIMON, CRANSTON, and LIEBERMAN has been maintained in the conference agreement. This bipartisan initiative would provide specific $20 million authorization for the establishment of three research centers focused on developing improved methods of contraception and two research centers focused on improving our ability to diagnose and treat infertility. As a method of addressing the shortage of qualified researchers in these areas, a loan repayment program for graduate students and health professionals who agree to conduct research on contraception and infertility, is also authorized.

There is a tremendous need for these changes. The United States is without question the world leader in biomedical research. Yet, when it comes to research and development in the areas of infertility and contraception, we have lagged behind a number of industrialized nations in the world. This is true despite the fact that infertility and contraception are central concerns to millions of Americans of child-bearing age.

Nearly 2½ million couples desiring to have children struggle with the heartbreak and frustration of infertility. And each year about 3 million American women anguish over an unwanted pregnancy. All of these individuals can benefit from intensified research on these basic family planning issues.

Mr. President, we can all agree that abortion is no one's first choice for avoiding unintended births. Yet, of the 3 million women who unintentionally become pregnant each year, about half will terminate their pregnancies. And, nearly half of the abortions that occur each year involve women who have unintentionally become pregnant because the contraceptive method they were using failed. The fact is that there are only a limited number of safe and effective methods of preventing pregnancy. More research is clearly needed into improved contraceptive methods so that the number of unintended pregnancies, and thus abortions, can be reduced. That is a result we can all embrace—regardless of our political or religious beliefs.

And just as those who are not prepared to bear children should have access to safe and effective contraceptive methods, those who want to become parents should have access to safe and effective methods to help them conceive and bear children. The causes of infertility are often not easy to diagnose, nor are they uniformly treatable. Treatments are usually expensive, costing Americans approximately $1 billion in 1987. Yet even with such a large expenditure of funds, today only about 60 percent of infertility cases are treated successfully. Clearly, more research is needed into the causes of and treatment for infertility in both men and women. This legislation takes important and long awaited steps to improve our research efforts both on infertility and contraception.

Mr. President, H.R. 2507 also includes important portions of the Women's Health Equity Act. Enactment and effective implementation of these provisions are essential if we are to assure fairness in biomedical research. Improvements are needed in a number of areas, including the number of women and minorities included in NIH sponsored clinical trials, the number of research projects and clinical programs focused on women's health issues, and the number of women in higher level positions at the NIH. These provisions would go a long way toward righting an historical wrong and improving our efforts with regard to women's health research. I want to especially commend my colleague on the Labor Committee, Senator MIKULSKI, for her excellent leadership in this critical area.

H.R. 2507 also authorizes a major increase in our efforts to combat breast cancer, a terrible disease that strikes one in nine American women. Last year we were able to significantly increase support for breast cancer research at NIH through the appropriations process. The $133 million appropriated for fiscal year 1992 will provide a long overdue boost to breast cancer research. But clearly more must be done. H.R. 2507 recognizes this and authorizes $400 million for fiscal year 1993. It also authorizes $75 million for research on ovarian, cervical, uterine and other cancers of the female reproductive system and a more vigorous program to combat prostate cancer in men. We simply have to make a greater commitment to research in these areas.

Mr. President, the component of this legislation that has received the most public attention is the lifting of the Bush administration ban on federally funded fetal tissue research. This ill-conceived ban blocks research that holds great promise for millions of Americans who suffer from conditions such as Parkinson's disease, Alzheimer's and diabetes. The little privately funded fetal research that has been done has shown great promise.

The ban must be lifted so that legitimate and potentially life-giving research can be expanded and so that we can assure that all such research meets national uniform standards. The conference agreement achieves these important goals and provides comprehensive and appropriate safeguards against misuse or abuse. The Senate on a strong bipartisan vote rejected the misguided arguments that lifting the ban in some way might promote or encourage abortion. Senators with very different views on the issue of choice stood shoulder to shoulder in support of lifting the ban last month. Even Otis Bowen, M.D., the very person who as Secretary of HHS ordered the research ban under the Reagan administration, now believes that the ban should be lifted based on changed circumstances. For the sake of the millions of American men, women, and children for whom this research offers hope where this is none now, I call upon President Bush to put politics aside and support this provision. His decision on this issue will be a true test of presidential character.

Mr. President, there are too many other important components of this legislation for me to touch on them all, but I want to also mention one important addition it makes toward combatting another overwhelming problem confronting our Nation—traumatic brain injury [TBI]. TBI is the leading disabler and killer of children and young adults. Every year 2 million Americans sustain a traumatic brain injury. The legislation before us takes the important step of authorizing funds to ensure the identification and assessment of victims, allow accurate assessment of insurance needs and provide a basis for a more rational allocation of resources by establishing TBI as a separate reporting category in Federal data collection system.

Mr. President, besides my position on the Labor and Human Resources Committee which reported out this legislation, I also serve as chairman of the Appropriations Subcommittee that funds the National Institutes of Health and other health, education, and social services programs. As chairman, I have made expanded support of biomedical research a priority. In 3 years, we have been able to increase support for work at NIH by 26 percent, from $7.1 billion in fiscal year 1989 to $9.0 billion in fiscal year 1992. I wish we could have been able to provide even more, because I believe biomedical research is an essential national investment and a critical component of our health care system. However, we have been constrained by an ill-conceived 1990 budget agreement that has paralyzed our ability to effectively deal with the health care, education and job training needs of the American people—an agreement that denied Congress the ability to make decisions about national priorities. This agreement, if left unchanged, will force significant reductions in many important programs within our subcommittee's jurisdiction. The President's fiscal year 1993 budget reduces outlays for programs within our subcommittee by about 4 percent from their fiscal year 1992 levels. At these levels, we simply will not be able to make the necessary investments in our human infrastructure, including biomedical research.

We need to change our spending priorities to recognize the changing nature of the world. The cold war is over. We won. That provides us with the opportunity to address long neglected needs at home. Last year, I attempted a first step toward seizing this opportunity, by offering an amendment to the fiscal year 1992 Labor, Health and Human Services, Education appropriations bill to shift $3 billion from unnecessary Department of Defense procurement funds approved before the fall of the Berlin Wall to several vital health and education programs. My transfer amendment would have increased funding for NIH research by $570 million. While this initial effort did not prevail, I believe it has set the stage for a significant and essential shift in spending priorities this year. I encourage my colleagues who join in support of this critical legislation to work with me to assure that we can meet the goals of this bill by reordering our national priorities.

Mr. President, the legislation before us is vital to human life. It must not be sacrificed to election year politics. The American people are looking to the Congress and the President to put saving lives above politics and to provide the leadership and political will necessary to quickly enact this legislation into law.

FACILITY PROTECTION PROVISIONS

Mr. President, I would like to entertain the distinguished chairman of the Labor and Human Resources Committee in a brief colloquy to clarify one point that has been brought to our attention regarding the health facility protection provisions included in the conference agreement.

I have been contacted by individuals in the disability community who are concerned that the intent of the establishment of criminal penalties for those found to "knowingly deter, through any degree of physical restraint, any individual from entering or exiting the health facility" might be to deter peaceful actions by them in their effort to promote greater public and Government support for personal assistance services. Does the Senator share my understanding that this clearly is not the intent of this provision?

Mr. KENNEDY. Yes. As chairman of the Senate conferees, I certainly share the Senator's understanding that that is not the intent of the provision. This provision originated in the House and the House report on H.R. 2507 makes it clear that this is not the intent of its authors.

Mr. HARKIN. I thank the Senator for his clarification.

Mr. HATCH. Mr. President, I yield 30 seconds to the distinguished Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. Mr. President, I support the passage of this conference report. Mr. President, in every news article I have read about this bill, it has been referred to as a fetal tissue bill. In most of these articles, there has been no mention whatsoever of the real scope of this bill.

This National Institutes of Health Reauthorization Act of 1992 provides the authorization necessary to continue the activities at several of the NIH research institutes that have discovered causes and cures for many diseases. The work at these institutes has saved millions of lives and enhanced the quality of life for many others.

The two largest institutes at NIH—the National Cancer Institute and the National Heart, Lung, and Blood Institute—focus on finding new ways of understanding and treating the two largest killers in the United States—heart disease and cancer. In addition to reauthorizing the general activities of these institutes, the bill authorizes a new program for the study of pediatric cardiovascular diseases.

As a result of this bill, there will be a new emphasis for research on breast cancer, which is now the most frequently occurring cancer in women, and prostate cancer, which is now the most frequently occurring cancer in men.

Also in this bill is authorization for continuation of the activities of the National Library of Medicine, which has as one of its missions keeping health professionals in rural areas abreast of the latest medical information. This is very important in States such as mine where rural health professionals frequently do not have the resources to acquire the type of information which may be made available by the National Library of Medicine.

There is also a provision in the bill, which I sponsored, which will help provide a broader base of research expertise throughout the country by providing grants to States that have not historically succeeded in the highly competitive NIH grant process. This is not a set-aside of research funds but is a program to award grants to States to help them improve their research infrastructure, so that their colleges and universities have the capability to be more competitive. This will provide more students in these colleges and universities the ability to participate in research of national significance, thus encouraging them to pursue a career of their own in scientific research.

The bill before us also authorizes the National Eye Institute to establish and

support centers for clinical research on eye care for those who have diabetes. Diabetes is the leading cause for new cases of blindness; people with diabetes are 25 times more likely to become blind than those who do not have the disease. Within a decade, almost 9 percent of the population of the United States will have diabetes. Research now may help reduce the incidence of blindness in these patients in the future.

There are many programs and activities authorized in the bill which are necessary if we are to make progress in battling these threats to public health. The National Institutes of Health are envied throughout the world for their contributions to the health and well-being of mankind. This important work should continue.

I urge the Senate to approve this conference report.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield 5 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 minutes.

Mr. DOLE. Mr. President, this is one issue that is not an easy one for any of us, and under normal circumstances we would leap to the opportunity to support research that held out the promise of advancement in solving the tragedy of diabetes, Alzheimer's, Parkinson's, and other similar conditions. But in this debate, this instance, it has been complicated by legitimate ethical concerns raised regarding abortions.

Mr. President, this Senator is a consistent supporter of legislative efforts to place limits on abortions in this country. Those who support the continuation of the ban on the use of fetal tissue obtained from elective abortions argue that in lifting the ban it may in fact encourage abortions.

But, Mr. President, after careful deliberation I am not persuaded that permitting this research will increase the incidence. Women arrive at the very difficult decision to have an abortion after a great deal of personal thought. This decision, to permit donation of tissue will be made after the initial decision is made. The legislation contains specific safeguards to provide that a wall be erected between the abortion decision and the decision to donate tissue.

There are additional safeguards to prohibit any payments or renumeration and compensation for the tissue in question. The woman is also prohibited from designating the recipient of the fetal tissue transplant. These guidelines were developed based on the recommendations of the Human Fetal Tissue Transplantation Research Panel—many of whose members held the same deep reservations regarding abortion that I hold.

Mr. President, I was perhaps most strongly persuaded to support the lifting of the ban by the comments of the Reverend Guy Walden. Reverend Walden, a Baptist preacher from Texas, is also an outspoken pro-life advocate. But, Reverend Walden argued that this debate is not about abortion, it is about life.

We can all agree that there is a tremendous need for a medical breakthrough in the treatment of a myriad of diseases. Given the great promise of fetal tissue transplants and the protections against abuse of the abortion decision, I believe, as do many of my colleagues, that to support this research is the true pro-life position.

Mr. President, I yield the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I yield 1 minute to the distinguished Senator from California.

Mr. SEYMOUR. Mr. President, I rise today to urge my colleagues to support this very important bill. The reauthorization of the National Institutes of Health is perhaps one of the most worthy pieces of legislation we will vote on this year. The bill covers funding for research of thousands of life-threatening diseases. The NIH has worked for over 100 years to improve the health of American's through its own research as well as supporting the endeavors of some of our finest research institutions.

The most discussed portion of this bill is fetal tissue transplantation research. I was a cosponsor of the Research Freedom Act and believe strongly in the promise it affords those afflicted with chronic diseases such as Parkinson's and Alzheimer's disease. The use of fetal tissue transplantation research has provided Parkinson's patients and victims of such life-threatening diseases such as Alzheimer's, diabetes, and epilepsy with the hope of leading fulfilling lives free of frustration and pain. It is fetal tissue transplantation research which contributed to the development of the polio vaccine. It is time to lift the moratorium on NIH-supported fetal tissue. Secretary Bowen, the Secretary for HHS who imposed the moratorium has come forth to urge this action as well. Those on both sides of this issue agree that there is undisputed value in fetal tissue research. The problem lies in its source.

The solution proposed by the administration does not go far enough. The proposed bank of tissue from spontaneous abortions and ectopic pregnancies will not provide enough usable tissue to do the kind of research necessary to find the cures for these diseases. Tissue taken from ectopic pregnancies or miscarriages is often defective or diseased and not suitable for research.

Although the focus for debate on this legislation has been on the fetal tissue transplantation research provision, I would like to take this opportunity to turn the attentions of my colleagues to what I consider to be the most important piece of this bill: clinical research equity regarding women and minorities. Through this legislation, the Director of NIH must ensure that women and minorities must be included in research projects where appropriate, and provide an analysis of the variables being tested as to their effect on women and minorities. Research ranging from gender differences in clinical drug trials, treatments for diseases, obstetrical and gynecological health conditions, and the aging process are among the many research projects made possible by this bill, all of which I believe deserve our unanimous support.

As Members of the U.S. Senate, we engage ourselves in extensive research and experimentation to determine the feasibility of laws we create to govern our Nation. Political science attempts to engage all sectors or our society equally, in order to have successful results. However, our attempts to provide equity in the health sciences field have failed to achieve that balance.

The largest imbalance is that in research trials. Women generally suffer from more illnesses than men, and while the life span of women is generally 6 to 7 years longer, this increased longevity is often compromised by an inferior quality of life. Yet, in trials to discover cures and treatments for disease, medical researchers have excluded women from the clinical research. Heart disease is the No. 1 killer of U.S. women, yet most clinical studies and investigations do not include women. Men and women are indeed different in their physiological makeup, and doctors cannot be clear whether the results found in a male study can be extrapolated to women. This scenario is repeated in innumerable diseases—AIDS, mental illness, addictive disorders, et cetera. The list goes on.

Another way that women have been short changed by our health system is through allocation of dollars. Historically, female-specific diseases such as breast and ovarian cancer, osteoporosis, and others have been underfunded. Increasing attention and funding has been given to these diseases, in recent years, but they are still behind in terms of progress being made.

Let me illustrate the consequences of this inequity: 44,800 women will die this year in the United States of breast cancer. Each year, 176,000 women will be diagnosed with breast cancer with an alarming 4,700 in my State of California alone. This dreadful disease accounts for over 18 percent of all female deaths in this country, and will continue to take the lives of women unless we can find a cure.

Breast cancer costs this country expenditures we can no longer afford—the cost of human life, and the economic cost. Each year we spend $8 billion in direct and indirect costs for treating women with breast cancer. We now have the opportunity to reduce the number of lives lost and dollars spent through this important piece of legislation that will invest $325 million in the National Institutes of Health for breast cancer research, and $75 million for ovarian cancer research. It is imperative that special attention is given to women's health as specified in the provisions laid out in this bill.

Rather than thinking of this in terms of population, think of the women in your life that are at risk—your wife, your daughter, your mother who may have breast cancer or who may contract this disease in the days to come. This legislation provides new hope, and new focus for the women and for the research community within this country.

Once again, Mr. President, I strongly urge my colleagues to join me in support of the H.R. 2507 conference report.

Mr. HATCH. Mr. President, I was interested in Senator DOLE'S citing Reverend Walden's situation. The Walden case is one of the most widely reported and touted examples of fetal transplantation. Interestingly enough, the tissue for that transplantation procedure was from an ectopic pregnancy, exactly what I have been arguing for.

Does that mean that the woman in this case was put in danger in order to obtain the fetal tissue needed for the Walden's baby? I am sure that was not the case.

Mr. President, there are many reasons why people should vote against this bill.

First, excessive authorizations for spending—$3 billion above the President's 1993 budget request.

Second, the provision requires the Secretary of HHS to appoint an ethics advisory board of private citizens whenever he declines to fund research on ethical grounds.

These people can overrule objections by the Secretary of HHS and the President, unilaterally. They have unilateral authority to make important decisions concerning major research initiatives. This clearly violates the appointments clause of the Constitution. That alone is reason to vote against this bill.

Third, the transfer of moneys to research for new and costly construction programs that take money away from necessary research. As I stated earlier, women have to be included in this bill in the clinical research. I have been at the forefront of that. For example, I offered amendments to the earlier authorization bill to include studies of the causes of miscarriages and ectopic pregnancies, to include women and children in the AIDS vaccine trials, and to intensify breast cancer research.

Finally, Mr. President, there is the question of fetal tissue transplantation research. I would like to point out that the NIH Human Fetal Tissue Transplantation Research Panel was a 21-person advisory board. Only about five of the members were known to hold prolife views. Five out of 21.

Be that as it may, I believe fetal research should go forward, and I resent anybody implying that I believe otherwise. I have said that if we do not have enough healthy tissue from ectopic pregnancies and miscarriages, then I will lead the fight to use any kind of tissue.

But, why get into the abortion debate if we do have enough? The President of the United States says we have enough, the Secretary of Health and Human Services says we have enough, and the Assistant Secretary for Health says we have enough. Bernadine Healy, head of the NIH, who personally believes in this research, says we have enough. C. Everett Koop, the former Surgeon General of the Public Health Service, says we have enough. Moreover a number of other top research scientists all over this country say that they believe there is enough quality tissue available.

So why get locked up in this debate, knowing the President has to veto this bill, knowing the House is going to sustain that veto, and setting back the reauthorization of the NIH? That is my point. I think it is a valid point.

I warned this body about that a few months ago, and they ignored the warning, and now we are in this posture. Now people are going to vote for this when in fact, because of their approach, they are probably setting the NIH reauthorization bill back at least a year.

The President's fetal tissue research bank is working; it will work. We will have enough healthy tissue through ectopic pregnancies and miscarriages to do this. It is crazy to get into a divisive public debate in this country over the issue of abortion.

I agree, fetal tissue transplantation research ought to be outside of the issue of abortion. The best way to do it is the way I am suggesting. Most people would admit that privately—even though we have to have this big public debate over an approach that does not warrant public support.

Mr. President, I feel very deeply about this. I really resented some of the media indicating that I am some sort of a Neanderthal arguing against fetal research. That is pure bunk. I am arguing for it. Let us do it the right way and not get into this fight that irritates everybody year after year.

I pay tribute to my colleague, Senator JESSE HELMS. We are all praying he will be all right. He asked me to make it clear that if he were here today, he would vote against this bill for a variety of reasons. I, too, have to vote no, because I believe that this is an exercise in futility that will ultimately deter reauthorizing the NIH.

Mr. SIMPSON. Mr. President, I rise in support of this legislation. My colleagues know that as a rule and as a member of the leadership, I am a vigorous supporter of the President's legislative agenda—so far as it comports with the needs and desires of my own constituents and the Nation as a whole. But on this issue, I do respectfully disagree with him—as do many people in the State of Wyoming and across this land. I think that our fine President has simply gotten some bad advice from a small cadre of advisors who are more concerned with the potential political fallout from a group of very committed activists than they are with scrutinizing the substantive aspects of a very complicated issue.

Mr. President, I believe it is time to get real about the emotional issues that seem always to confront us here and to stop allowing our good sense and reason to be coopted by the shrill rhetoric of political polemicists. It is time we focus on—and decide—the real issues before us, with a view to fashioning sound public policy. Not politics, not polemics, but rational, intelligent policy.

As many of my colleagues know, I worked long and hard with Senator CHAFEE and others to forestall the release of the so-called gag rule, an ill-conceived regulation which restricts the information available to women who receive reproductive health care at title X family planning clinics. I accept that this administration continues a policy of discouraging anything which would encourage or promote abortion, and I wholeheartedly agree with that. But the gag rule is not about abortion, and it is unfortunate that it was ever cast as such. But that is a debate for another day. The point is, if we are to do our jobs here, then it is time we get away from unbending ideology that polarizes this body to the exclusion of any meaningful dialog or factually based discussion of the real issues.

Similarly, Mr. President, the conference report on the NIH reauthorization bill—which would lift the ban on Federal funding of fetal tissue transplantation research—is not about abortion, either. This provision is about expanding the scope of research that offers real hope of finding cures for Parkinson's Disease, from which my dear father suffers, childhood diabetes, and devastating genetic disorders. Mr. President, this provision is about saving lives.

Unfortunately, this issue has from the beginning been entangled in the abortion debate—a place it most assuredly does not belong. When the former HHS Secretary imposed the ban on fetal tissue research funding, he did so solely on the basis of an unproved and unfounded assumption: that such

research would increase the demand for abortions * * * that knowledge of this research would lead women more often than not to opt to terminate their pregnancies for purposes of donating tissue. There was no scientific argument advanced against this research. The sole basis of the objection was a presumption that American women somehow suffer from a diminished capacity for moral choice. As husband, father, neighbor, I can tell you that I have never found that to be the case.

Mr. President, I don't want to get trapped in a discussion of abortion here, except to emphasize one point—one essential, factual bit of history in the evolution of this issue.

In 1988, the National Institutes of Health, at the Secretary's request, convened an outside panel of experts on fetal tissue research to study the ethical, legal, and scientific issues associated with the research. This panel, which was composed of lawyers, theologians, physicians, and scientists, voted overwhelmingly to approve the transplantation research as acceptable public policy. That decision was adopted unanimously by the advisory committee to NIH. Concerning the likely social effects of expanded research activity, the panel noted: "Research using fetal tissue has been conducted for 30 years and there is no evidence the research has encouraged abortion."

Just to ensure that the scales are never tipped in favor of abortion, the legislation before us today contains a number of ethical safeguards—all recommended by the NIH experts—to completely separate a woman's decision to terminate her pregnancy from her decision to donate tissue for research. These safeguards are sufficient in my mind to allay any possible fear of improper or misguided decisions. Moreover, these regulations would control both public and, for the first time, privately funded research as well.

Mr. President, fetal tissue transplantation research holds such tremendous promise for so many American families who are suffering from disabilities and diseases for which there are as yet no known cures, nor effective therapies. The NIH advisory panel noted that experimental transplant therapy on Parkinson's patients "has resulted in significant clinical improvement and real quality of life changes". Juvenile diabetes, head and spinal cord injuries, genetic abnormalities which result in so many elective abortions—all of these have shown evidence of responding to fetal tissue therapy. What logic is it that would hamstring efforts to pursue these promising areas of inquiry?

To quote Dr. J. Sanford Schwartz, president of the American Federation of Clinical Research:

> Fetal tissue transplantation research can be a very useful path to combat pain and suffering * * * it [also] may be the only bridge to even greater discoveries on the course of disability and disease. But we can only cross that bridge if we are allowed to pursue the research.

In the future, will good science have to be in some ways better than just good? Will it also have to be politically correct? If that is the case, we have lost the foundation of research achievement in the United States.

It is time to separate abortion from science and politics from research. We have heard much today about research freedom and scientific integrity.

I am heartened to see that, on this issue at least, so many of my colleagues have devoted to the pending proposal the thorough, thoughtful review and consideration it deserves. I urge my colleagues: continue to let reason be your guide.

Mr. PELL. Mr. President, I strongly support the conference report to H.R. 2507, the National Institutes of Health Reauthorization Act of 1992. This legislation will greatly enhance existing NIH programs and will broaden and strengthen the preeminent position of the NIH, the world's premier biomedical research institution. It will also make needed changes in Federal policy that have hindered—and in some cases halted—scientific research in this Nation and throughout the world.

As an original cosponsor of the Senate reauthorization bill and as a longtime supporter of past attempts to reauthorize NIH programs, I am encouraged and pleased that this excellent legislation is before us today. This comprehensive reauthorization bill will revitalize many existing programs at NIH—including research on breast and prostate cancer, AIDS, and women's health needs—as well as create some important new ones. I am especially pleased and gratified that the conferees included and expanded provisions contained in the Senate-passed bill that address a disease of great importance to many Rhode Islanders and others across this Nation: chronic fatigue syndrome [CFS], also known as chronic fatigue immunodeficiency syndrome [CFIDS].

Mr. President, the most controversial part of this bill is also one of its most important accomplishments. I strongly support the provisions of this bill that overturn the Bush administration's ban on fetal tissue transplantation research. While the questions surrounding the debate are complex and require careful consideration, I firmly believe that the Federal Government should resume funding this vital research—research that holds great promise for victims of many debilitating and painful diseases, including Parkinson's and Alzheimer's disease.

There are several other sections of this bill, Mr. President, that are of particular importance to me. I strongly favor those provisions that provide additional support to the National Cancer Institute, and in particular, to its research and cancer control programs. As the author of the legislation that created the NCI's International Cancer Research Data Bank [ICRDB], which assists in the exchange of information on the diagnosis and treatment of cancer between clinicians here and abroad, I am very pleased that the Senate Labor and Human Resources Committee, in its report, recognizes the ICRDB's important work and calls for the NCI to explore further ways to serve the ICRDB's services and needs. I hope that the NCI will undertake this effort with the diligence and care that it deserves, and I am confident that, under the excellent leadership of Dr. Samuel Broder, the NCI will give the ICRDB its continuing—and its strongest—support.

I also strongly support the provisions to assist in the collection of data about traumatic brain injury and encourage research on the brain and on human behavior. During committee consideration of this bill, I urged—and am delighted that the legislation includes—a recognition of the need for both biomedical and behavioral programs and facilities dedicated to the study of violence as a major health problem, and effective programs of intervention and prevention.

In summary, Mr. President, I think the legislation before us is excellent and farsighted and I strongly urge passage of this important conference report.

Mr. LEAHY. Mr. President, today the Senate will send to the President legislation that moves the country forward in discovering new ways to prevent disease. The NIH reauthorization bill offers hope for reducing the enormous human suffering and economic losses from illness, and improving the quality of life and health of all Americans. It preserves our country's preeminence in biomedical research.

I am proud that the cancer registries bill Congressman SANDERS and I introduced just a few short months ago is included in this important legislation. The bill establishes a national system of cancer registries that will bolster our efforts to win the war on cancer. It will give researchers the information they need to track cancer rates and strengthen prevention efforts. And my legislation takes aim at one particular cancer that has reached epidemic proportions—breast cancer—by launching a comprehensive study to determine why it hits women in the Northeast and Mid-Atlantic States hardest.

Mr. President, the cancer registries bill passed the Senate earlier this year with overwhelming, bipartisan support. A recent article in Reader's Digest called the bill the cancer weapon America needs most, and I ask unanimous consent that the article be included in the RECORD.

The President has made it clear that he will veto this bill because of the pro-

vision authorizing fetal tissue transplant research. This research holds tremendous promise for the treatment and cure of incurable diseases like Alzheimer's, Parkinson's, and juvenile diabetes. For the millions of American families touched by these diseases, fetal tissue research is the light at the end of a long and very dark tunnel.

Since 1987, the Reagan and Bush administrations have prohibited the use of Federal funds for fetal tissue research on the grounds that this research would encourage women to have abortions. Two separate panels of experts convened by the National Institutes of Health concluded that, with adequate standards, this important research would in no way encourage abortions. The administration ignored those conclusions.

The administration's ban on funding this research is unconscionable. Given the safeguards included in this bill—and supported by more than three-fourths of the Senate, including many Senators who oppose abortion rights—there is no sound reason for the President to veto this bill. Asserting that lifting the ban on fetal tissue transplant research would encourage abortions is nothing more than a red herring.

I do not want to go back to Vermont today and tell Vermonters that the cancer registries bill and the entire NIH reauthorization has fallen victim to election year politics. President Bush should disregard the pleadings of special interest groups to veto this important bill. The health and well-being of millions of Americans hand in the balance.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Reader's Digest]

THE CANCER WEAPON AMERICA NEEDS MOST

(By John H. Healey, M.D.)

Donald Austin was astonished by what he saw that day in 1975. As chief of the California cancer registry, Austin directed one of the largest storehouses of local cancer statistics in the world, and researchers frequently consulted him about the incidence of the disease in the San Francisco area.

On this afternoon, Austin had been asked for a tally of all cases of breast, uterine and ovarian cancer. As his eyes skimmed the computer printout, he was startled by a disturbing trend: year by year, cases of uterine cancer were climbing dramatically.

Austin found that since 1969, uterine cancer in the Bay Area had risen by 50 percent. Worse, the incidence among women age 50 and over from affluent Marin County had doubted. Why were these well off women at greater risk?

It didn't take long to finger a possible culprit. Between 1965 and 1975, prescriptions of estrogen—the hormone used to treat symptoms of menopause—had tripled nation wide. Large doses (far larger than are prescribed today) were being given, mostly to affluent women over 50.

Many in the medical profession doubted the link. To them, estrogen was a wonder drug. But to be safe, the Food and Drug Administration advised that women receive only the smallest possible dose and that doctors balance its effects with the hormone progesterone. Within three years, the rate of uterine cancer returned to normal. Thanks to a good cancer registry, at least 3000 women a year—in California alone—are spared.

With no cancer registry at their disposal, Massachusetts health officials were baffled by a sudden epidemic of cancer in Woburn, a Boston suburb. Only days after Anne Anderson's 3½-year-old son, Jimmy, was found to have leukemia, she learned that two other neighborhood children also had the disease. Then a fourth case cropped up. And when Anderson brought Jimmy to Boston's Massachusetts General Hospital for treatment, she was amazed to see a number of familiar Woburn faces in the waiting room. Could there be something in Woburn that's giving leukemia to our children? she wondered.

By October 1979, Anderson and her pastor, the Rev. Bruce A. Young, had tracked down 12 leukemia cases in Woburn—double the normal incidence. That same year, state environmental engineer Richard Chalpin suspected that toxic chemicals illegally dumped in Woburn had made their way into the water supply. He checked two municipal wells and discovered dangerously high levels of an industrial solvent. Then Harvard professors Marvin Zelen and Steve Lagakos found that, on average, the children with leukemia had consumed twice as much contaminated water as other Woburn youngsters had.

Jimmy Anderson died in 1981, but his mother was determined to help other kids. That's when she and Bruce Young helped persuade the Massachusetts legislature to create a cancer registry. Clusters of the disease are now detected long before they become as widespread as the tragic Woburn cases.

These two battles in the war against cancer illustrate how vital statistics can be. Ideally, researchers should be able to gather intelligence on all forms of cancer, not only because the disease is so widespread (one in three Americans are expected to contract some type of it in their lifetime) but also because it is infinitely complicated. It comes in dozens of different forms, and each cancer can have many causes—some inborn, others environmental. There are also dozens of ways to treat the disease. To battle such a beast, researchers need an exact statistical profile.

But many parts of the United States lack such information. Ten states have no cancer registries. Most of the others do not record all cases within their borders. And more than a third fail to record how patients are treated or whether they have been cured.

Back in the 1930s and 1940s, many states passed laws requiring health officials to keep track of cancer. But in almost every case, these laws went unfunded. (The notable exception was Connecticut, which has operated a model registry since 1935.)

Then, in the early 1970s, the National Cancer Institute began keeping accurate records for cancer patients in five states (Hawaii, Utah, New Mexico, Iowa and Connecticut) and four metropolitan areas (Detroit, Atlanta, San Francisco and Seattle). These SEER (Surveillance, Epidemiology and End Results) registries cover roughly ten percent of the nation's population. They are useful for making broad estimates of cancer rates. But because the registries ignore 90 percent of the population, they miss smaller trends such as the leukemia outbreak in Woburn.

Three years ago, the American College of Surgeons, with the help of the American Cancer Society, started a second national registry, the National Cancer Data Base, to track how well different treatments work. The data base covers only 30 percent of all cancer patients and misses victims cared for outside hospitals or in hospitals without registries.

Gilbert, H. Friedell, director of Kentucky's state registry, uncovered exactly the kind of problem that neither SEER nor the National Cancer Data Base would have picked up. While reviewing state statistics, he noticed that women in Kentucky's poverty-stricken Appalachian areas were dying of cervical cancer at twice the national rate. Friedell found that many women there were unaware of the importance of regular pap smears, which can detect cervical cancer when it is still curable. Kentucky officials have established a community outreach program to correct the problem.

Even if SEER and the National Cancer Data Base kept track of more cancer patients, they are not geared to spot local trends. By contrast, a good state registry can identify dozens of cancer clusters every year. Even when a cluster cannot be linked to some special circumstance, it is important that the public understand the situation.

Consider the 1990 scare in Taylorville, Ill., where neuroblastoma, a rare cancer of the nervous system, had stricken three infants. Such a rate was several times the expected incidence, and parents suspected the children had been harmed before birth by contaminants their mothers inhaled from a toxic-waste site. After extensive interviews, however, the Illinois State Cancer Registry determined none of the mothers had been at the site, and careful monitoring showed that no contaminants had made their way to the outside air. The town of Taylorville heaved a sigh of relief.

As important as the need for good registers is the need for uniform statistics. Unless data from all 50 states can be tallied, we cannot get detailed pictures of rare cancers.

Consider osteogenic sarcoma, or bone cancer. Even at major facilities like New York City's Memorial Sloan-Kettering Cancer Center, we cannot collect enough data to detect broad trends in the disease. But in Sweden, which operates an excellent cancer data base, orthopedists recently discovered that the mean age of people afflicted with bone cancer—generally considered a disease of growing bones—has gradually been increasing. Perhaps, then, we should be watching for a second variety of osteogenic sarcoma, caused by different genetic mechanisms than in the younger person's form of the disease. If we could track the cancer's path through the entire U.S. population, who knows what we might learn?

It would also be useful to track the rare side effects people experience from cancer therapies. Some reactions, such as the minor brain damage that can develop in leukemia patients who have received whole-brain radiation, occur many years after a patient is treated. So unless all cancer victims are followed for their entire lives, we cannot study these debilitating side effects and develop alternative therapies.

Why does the United States lag behind many other Western nations in gathering cancer data that could save thousands of lives and billions of dollars? Perhaps policy makers have always assumed that money is best spent on research and patient care. Record-keeping pays off only well into the future, after data have been collected long enough to reveal trends. Thus we tend to gamble it won't be necessary.

Treating an advanced case of breast cancer, for example, may cost $60,000 more than treating a case detected early. Good registries could save these costs by pinpointing areas where women are not getting mammograms or performing self-examinations.

Although not as glamorous, cancer tabulation can be more important in the fight against cancer than performing an intricate operation or an elegant experiment. A network of cancer registries can be our most potent new weapon against the disease.

The Cancer Registries Amendment Act of 1992 could solve this problem by enabling each state to have a registry operating under uniform standards. Cost to federal taxpayers would run about $30 million.

The Cancer Registries Act—and funding to support it—is needed now. Please write your Senators and your Representative to urge creation of uniform registries.

People do not naturally rally round a cause like cancer recordkeeping because no one can point to victims who will suffer without it. Rather, it is our larger understanding of cancer that suffers. And thus, we are all victims.

Ms. MIKULSKI. Mr. President, I went to NIH last November to participate in a town meeting. I heard many good ideas about what we should be doing for NIH to prepare for the 21st century.

I consider NIH one of the crown jewels in our Government. It is one of our flagship institutions. I want to make sure that the capacity of this institution is not only maintained, but made stronger.

That is why I am proud that parts of the NIH revitalization bill, a bill that I introduced earlier this year, has been included in this bill.

My bill will address many of the issues I heard about from my constituents at NIH—helping NIH recruit and retain personnel; helping NIH retool for cutting-edge research; and streamlining procedures to assure that a dollar's worth of taxes means a pound of cure.

NIH's clinical center is over 40 years old. Its electrical system is outdated. Its ventilation system is dangerous. Expensive equipment clutters the halls because there is no room to store it. The Army Corps of Engineers who reviewed NIH's infrastructure in November of 1991 agree that NIH must have a new building.

In supporting this bill, I have been accused of playing pork-barrel politics by Members of the other body. This is ridiculous and short-sighted. NIH is our premier research organization. It deserves our support in keeping America No. 1 in medical breakthroughs that save lives and save money.

I also want to thank my fellow Senators for working with me on all of the women's health issues that were brought to our attention in the fall of 1990.

Not long ago, women were not being included in research studies. The large study that told us that an aspirin a day keeps a heart attack away only including men. This bill will make sure women are not seen as research problems by making sure women are included in research.

Under the leadership of Dr. Bernadine Healy, NIH has improved its work on women's health. But Dr. Healy will not be there forever, and past experience has shown us that we need this legislation so that NIH will fulfill its promise to women that they will never be overlooked again.

We have also included an increase in breast cancer research money. One out of nine women get breast cancer today. Only 1 of 20 got it in 1960. We need to find a cure to preserve families.

I have received letters from constituents urging me to keep fighting against breast cancer. One letter from a constituent, whose wife died in January of breast cancer, was especially touching. He said to me:

If you have never lost your partner, who in my case was not only my wife and mother of a fine young man, but my very best friend, then you cannot know my pain, nor my total emptiness. * * *

I only ask that you do something for the wives, the daughters, and the mothers who are still with us * * * don't pay lipservice to this war on breast cancer.

We are increasing research money to breast cancer so that families like these are not torn apart any more.

Other parts of the bill that support better research on women's health are:

The Office of Women's Health Research;

More research money for gynecological cancers;

A databank on women's health research;

Research on osteoporosis;

Study of the aging process in women; and

Contraceptive and infertility research centers.

Women are half the population. We deserve to be included at that level in the research agenda of the 21st century.

I thank the chairman and the ranking minority member for working with me on these issues. And I thank my Senate colleagues for their support.

Mr. SANFORD. Mr. President, I rise today in support of the conference report on H.R. 2507, the National Institutes of Health Reauthorization Act of 1992.

The debate over this legislation has mainly focused on a single provision—the provision that would lift the administration's ban on aborted fetal tissue transplants. My colleagues have spoken eloquently on the merits of lifting this ban, and I see no need to restate these arguments. I will say briefly, however, that I believe that fetal tissue research is a medical issue, not an abortion issue. Some of the staunchest antiaborton legislators in the Senate agree that this type of research may open the door to finding cures for numerous fatal diseases and genetic defects. In April, these men and women, Democrat and Republican, stood together in support of lifting the ban on fetal tissue research. It is my hope that we will stand together again today.

When this bill is taken as a whole, I find it difficult to understand how any of my colleagues could vote against it. In fact, I fear that consideration of the other provisions in this comprehensive bill has been lost in the shadow of the debate over fetal tissue. In addition to providing funding for vital entities such as the National Cancer Institute, the National Heart, Lung, and Blood Institute, and the National Institute on Aging, H.R. 2507 would expand much-needed research on women's health and the health needs of minorities. The bill would establish and implement a comprehensive program to address the AIDS epidemic, including research into possible drugs. Infertility technology research would also be expanded, and funds would be authorized for improvements on public and nonprofit medical research facilities. Moreover, H.R. 2507 would also improve the machinery for investigating scientific misconduct and provide whistleblower protection for those who cooperate in these investigations. In short, the provision to lift the ban on fetal tissue research represents only a fraction of the impact this bill would have on medical research in this country.

Apparently this research doesn't mean very much to our President. Proving that he is willing to play politics with the very health of American citizens, George Bush has promised to veto this entire package if the fetal tissue provisions are not removed. This bill will pass the Senate today, and it will soon be on the President's desk. If he is at all concerned with the future health of this Nation, he should sign it into law.

I thank the Chair, and I yield the floor.

Mr. JOHNSTON. Mr. President, the legislation pending before the Senate today is an important step toward realizing the obligations with which we are entrusted to provide for an improved quality of life for our children. Only by supporting the preeminent role of the National Institutes of Health and the many areas of biomedical research they undertake can we begin to fulfill this pledge.

I have already spoken at length of my support for the women's health provisions in this bill. They ensure that research on women's health will no longer be relegated to second-class status, but will, instead, become a distinct and equal partner in all fields of medical inquiry. In my view, implementation of these programs is long overdue, and we must proceed expeditiously toward realization of this measure to correct past discrepancies in women's health research.

This legislation also reaffirms our commitment to effectively combat the

two greatest sources of death and medical spending in this Nation—cancer and cardiovascular disorders. Increased funding for breast, cervical, ovarian, prostate, and colon cancer research as well as heart, blood vessel, lung, and blood disease prevention and control programs are vital investments in the future health of our citizens. The work of the National Cancer Institute and the National Heart, Lung, and Blood Institute must be promoted if we are to find cures for these diseases.

In addition, this legislation addresses long-neglected issues in minority health research, the establishment of child health research centers, expansion of child vaccination research and delivery, treatment of traumatic brain injury, and expansion of biomedical and behavioral research centers.

AIDS research and treatment is also addressed in substantive ways. I support the authorization of studies to determine the relationship between AIDS and opportunistic infections and cancers. Also, by requiring the Secretary of Health and Human Services to provide for three studies on drug development and approval, we will hopefully speed up the process and give renewed hope to those patients who do not have the luxury of time to find a cure.

I am also very supportive of the work of the National Center for Human Genome Research, which is given statutory authority under this measure. This project will provide information about the basic components of human life which will propel medical research by a quantum leap into the next century. I can think of no more important scientific project which merits our support.

Finally, I believe that fetal tissue research is an important component in the quest to unlock the elusive secrets of certain types of medical research. Indeed, during initial consideration of this legislation, I supported the amendment offered by my friend from Utah to establish a fetal tissue bank for tissue derived from spontaneous abortions and ectopic pregnancies. Although the amendment failed to pass, I am pleased that the President has signed an Executive order to establish such banks.

Despite my objections to the fetal tissue provisions included in the conference report, I believe that this legislation is of compelling importance to every American, particularly to women. It is my hope that the President will reconsider his stated intention to veto the bill so that we may move forward in our quest to unlock the secrets of biomedical research.

Mr. CHAFEE. Mr. President, I would like to take a moment to express my support for the conference report on the National Institutes of Health Reauthorization Act of 1992. The NIH is considered to be one of the world's premiere research institutions, and this legislation takes significant steps forward furthering its mission by reauthorizing the National Cancer Institute and the National Heart, Lung and Blood Institute, NIH's two largest components.

Its enactment will ensure that recent impressive strides in the fights against cancer research and cardiovascular disease, the two biggest killers in our society, will continue with the strong Federal support. In addition, this measure devotes greater resources to the health of women and minorities, two groups which often have been neglected in clinical research trials.

As we all know, however, the bulk of the debate on this bill has been focused on the provision to lift the moratorium on Federal funding for fetal tissue transplantation research. Federal funding for this research has been banned since 1988, despite the fact that a panel of experts appointed by then-President Reagan, concluded that the research should continue. In my view, it is a shame that this moratorium has remained in place, for it has blocked encouraging avenues of research which could provide cures for diseases such as Parkinson's, diabetes, and leukemia. There are probably very few of us in this body who do not have a family member or friend who could benefit from this research. And these individuals are being denied the possibility of some treatments and cures which could prolong, improve, and in some instances, save their lives.

There are some who oppose this research, claiming that it will encourage women to have abortions and will create a demand for fetal tissue which will have to be met with more induced abortions. This is nonsense. This measure contains all of the safeguards recommended by the NIH panel to prevent just such an occurrence. These safeguards will ensure that the decision to donate tissue is made only after a woman has already decided to terminate her pregnancy. It prohibits any form of monetary compensation for the tissue and women will be prohibited from designating who is to receive the tissue. So, I ask you, Mr. President, where is the increased incentive for a woman to terminate her pregnancy?

In closing, let me just say that once again we are dealing with an issue that is not about abortion, but rather about sound and ethical medical research. Unfortunately, there are many who would like support for this measure to be considered a proabortion vote. I maintain that support for this bill is the ultimate pro-life vote because allowing this critical research to continue will mean that millions of lives will be prolonged and saved. On March 31, the Senate approved the NIH reauthorization bill by an overwhelming vote of 87 to 10. I hope that there will be similar support for the conference report before us today.

Mr. BOND. Mr. President, the NIH reauthorization before us contains some important legislative proposals which I hope will be enacted, particularly provisions which would focus on vital women's health issues. These include making permanent the NIH Office of Research on Women's Health, requiring NIH to include women in clinical research on women's health issues. I commend Dr. Healy for her pioneering efforts in this area and urge her to continue her work to focus resources on important women's health concerns. I support additional funding for illnesses affecting women. In fact, I joined several other Senators in urging the Labor Committee to include more money for breast cancer research.

Also, I support the critical fetal tissue research proposed in this bill. I believe that this type of research should proceed in an effort to find cures for debilitating diseases like Alzheimer's, Parkinson's, and juvenile diabetes. It is one of many promising avenues of research currently taking place. However, while I support fetal tissue transplantation research and believe it should continue, this bill overrules a decision by the Secretary of HHS to use tissue from miscarriages and ectopic pregnancies for the research instead of tissue from elective abortions. This poses many moral and ethical questions that are troubling to me.

In my view, this need not have happened. We had an alternative. I am disappointed that the Senate rejected Senator HATCH's proposal to create a fetal tissue bank using specimens from miscarriages and ectopic pregnancies, a proposal which the administration is now implementing as a matter of policy. This proposal is thought by many in the scientific research and medical community to be workable, and have merit. Others do not agree. However it seems premature to insist on using a method which is ethically troubling to many before we know if a method which is not ethically troubling works. That is what is happening here, and I believe a more cautious approach is called for. Certainly, if we were to try the tissue bank approach and find that it did not work, we could revisit the issue. But we should try the Hatch approach first.

There is another portion of the bill which I object to, debate over which has been negligible due to the focus on the fetal tissue transplantation issue. Specifically, the bill would empower an ethics advisory board to make decisions regarding the implications of research conducted by NIH. In fact these boards could override the decisions of elected and, therefore, accountable officials and their appointees charged with the responsibility for the research. I do not believe this is good public policy for any issue and believe it should be struck from the final bill.

Mr. DOLE. Mr. President, this year approximately 132,000 men will be confronted by the same diagnosis that I

had to face a few months ago: cancer of the prostate. It is the same diagnosis that Senators TED STEVENS, JESSE HELMS, and ALAN CRANSTON also had to face. And, as our population ages, it is a diagnosis that more men will learn that they, too, are among the 1 in 11 who has contracted the disease.

Prostate cancer is the most common malignancy among American men and the second leading cancer killer, second only to lung disease. It claims the lives of 34,000 men each year in the United States.

Yet, despite these startling figures, we spend only $28 million on prostate cancer research.

No wonder we know so little about the disease.

No wonder we know so little about its causes or its prevention.

And no wonder that we still do not have definitive information on the beneficial effects of early treatment.

I hear it all the time—Senator, you didn't need surgery. You would have died with the disease, not of it. Well, maybe, but how do you explain that to the widows and family members of the 34,000 who die of it every year.

Because prostate cancer often presents no symptoms until its advanced stages, at least 40 percent of men with prostate cancer have metastatic disease—disease that spreads outside the prostate gland—disease that is not easy to treat—disease that will claim lives.

Contrary to popular belief, prostate cancer is not exclusively an old man's disease. Although it is much more common with age, even men in their thirties can have prostate cancer, and not even know it. And few men living a normal lifespan will be free of the disease.

That's why we need additional research funds. The amendment that I have offered with Senators STEVENS, HELMS, and CRANSTON that has been accepted by the conferees will expand prostate cancer research efforts. By increasing funding to the National Cancer Institute from $28 to $100 million, and by providing $20 million in funding to the Centers for Disease Control, we can increase outreach programs for greater public education. We will also gain valuable information about the causes, prevention, detection, and treatment of prostate cancer.

Now, I'm not trying to pit one disease against another, but compare the $28 million we are spending on prostate cancer to the $2.1 billion we spend—and should be spending—on AIDS research. Yet, both diseases claimed about the same number of lives last year.

It is my hope that my providing additional funding to research prostate cancer, more information will become available to the health providers, to the victims, and the potential victims of this disease. Prostate cancer is curable. I am convinced that this action, today, will bring us one step closer to saving lives.

Mr. MACK. Mr. President, I rise in support of adoption of the conference report to accompany H.R. 2507, to revise and extend the programs of the National Institutes of Health. I do so, however, with reservations about certain aspects of this legislation.

I am extremely pleased that this bill focuses on the vital work being performed at the National Cancer Institute. One need only look at the grim statistics to see that cancer research must be a priority.

According to the American Cancer Society, approximately 83 million Americans now living will eventually develop cancer. More than 8 million Americans alive today have a history of cancer, more than half of which were diagnosed 5 or more years ago. More than 1.1 million Americans will develop cancer in 1992 alone. This year, more than half-a-million of our citizens will die from cancer, about 1,400 people per day. One in five deaths in the United States is cancer-related.

Like many American families, my family has been touched by cancer. I am a cancer survivor, having been successfully treated for a malignant melanoma. During the past year, my wife, Priscilla underwent a mastectomy and 6 months of chemotherapy following breast cancer. Our daughter is a survivor of cervical cancer, and my mother is a survivor of breast cancer.

This bill designates that special attention is paid to cancer control activities in the areas of breast, cervical and prostate cancer. Breast cancer is one area in which we are actually losing ground. Last year, the American Cancer Society estimated that 1 in 10 American women would develop breast cancer. This year, it is 1 in 9. Recently, three of our colleagues bravely came forward to announce have undergone treatment for prostate cancer. This is one of the most preventable and treatable forms of cancer. Estimates show that the 5-year survival rate for prostate cancer is 88 percent.

The authorization contained within this legislation will help the National Cancer Institute continue its innovative research and cancer control activities.

I must, however, raise my serious reservations about several other aspects of this bill.

Most significantly, I am extremely distressed that more than half of the increased authorization over the President's budget request is for two projects. Nearly $2 billion is being authorized to renovate the NIH campus in Bethesda, MD, and to acquire 300 acres of land nearby. This is an expense we simply cannot afford at this time.

On the issue of fetal transplantation, I am hopeful the fetal tissue bank, established by the President's Executive order, will provide valuable treatment options for diseases such as diabetes, Parkinson's and inherited disorders. Tissue from this bank will be retrieved from fetuses resulting from spontaneous abortions and ectopic pregnancies. According to Dr. Bernadine Healy, Director of the National Institutes of Health [NIH] and advocate for fetal tissue transplantation, the tissue bank is "feasible and should be given a chance to prove its efficacy". This approach is free of ethical concerns and ought to be pursued as the principle means of securing fetal tissue for transplantation.

I am also extremely concerned with the establishment of an Ethics Review Panel of private citizens, which will have the unprecedented authority to overrule the Secretary of Health and Human Services in the awarding of medical research grants. The Department of Justice believes this provision is unconstitutional under the appointments clause. Under article II section 2, of the Constitution, Cabinet members are appointed by the President, with advise and consent of the Senate. Decisions on the funding of research projects is a function of the Secretary of Health and Human Services. Therefore, officials at the Department of Justice strongly believe the ability of an Ethics Review Panel to overrule the Secretary is a violation of the appointments clause.

Finally, it concerns me greatly that this bill impedes upon the rights of Americans to express themselves freely on some of today's most emotional issues. This conference report contains language making it a Federal crime, punishable by up to 5 years imprisonment, for a person to "knowingly deter, through any degree of physical restraint, an individual from entering or exiting a health facility" which receives Federal funds. While I certainly do not condone lawlessness, Americans must have the right to express themselves freely, within the law, and without fear of retribution.

With these concerns, I will vote today to support adoption of the conference report on H.R. 2507.

Mr. BROWN. Mr. President, I rise today to explain why I will vote for passage of the conference report on H.R. 2507, the National Institutes of Health Revitalization Amendments of 1992.

I am aware that this bill is over budget and that this bill is likely to be vetoed by the President. However, it is my understanding that the veto threat is not based upon the budget issues surrounding this bill, but rather on the removal of the current ban on Federal funding of fetal tissue research.

If the President's veto threat was based on the budget problems with H.R. 2507, I would be voting against the bill and supporting the President's veto.

I have consistently supported Federal funding for fetal tissue research. I cosponsored S. 1902, the Research Freedom Act on January 30 of this year, and voted for passage of H.R. 2507 on April 2. I believe the safeguards adopted by the Conference Committee will insure integrity in this area of research and the GAO report required by this bill on the effect of these safeguards on actual research and the number of violations will be helpful to Congress in shaping future policy in this area.

Because I support Federal funding for fetal tissue research, I will vote for passage of this conference report and will vote to override a Presidential veto of this bill.

Mr. NICKLES. Mr. President, the reauthorization of the National Institutes of Health [NIH] is a major opportunity to guarantee America's leadership in biomedical research through the end of the century. When the bill is ultimately passed, Congress will have paved the way toward finding a cure to many of the deadly diseases that haunt every American family.

The goal of this legislation is to improve health and save lives. I wholeheartedly support most of the provisions in this bill. Specifically, I support provisions such as: reauthorization of a wide array of programs at NIH that have led to major discoveries of causes, treatments, and cures of a range of devastating diseases; specific increases of 28 percent for the National Cancer Institute and 38 percent for the National Heart, Lung, and Blood Institute; and expanding existing endeavors in the areas of women's health such as directing the Cancer Institute to boost efforts on breast cancer as well as emphasizing research on women's health issues.

These and many other provisions in this legislation are critically important if we are to find causes and cures to the diseases that plague our loved ones. However, there is one section in this legislation that, if passed, will cost many innocent lives. This is the provision that allows for use of fetal tissue from induced abortions in federally funded research.

This provision has politicized a bill that the vast majority of us strongly support. It also has assured that the President will veto this legislation, despite his strong support for medical research.

Mr. President, this controversy is completely unnecessary. The President does not oppose NIH sponsorship of research that involves the use of fetal tissue; neither does the Secretary of HHS or the Director of NIH. What they oppose—and what I oppose—is the use of fetal tissue that is taken from induced abortions.

To emphasize his support for fetal research, the President has issued an Executive order establishing a national network of tissue banks. These tissue banks will use tissue taken from miscarriages and ectopic pregnancies. This Executive order assures that research into cures for Parkinson's, Alzheimer's, diabetes, and other diseases can go forward without raising the controversy over abortion.

Some have argued that the President's approach would not meet the demand among researchers for human fetal tissue. It is estimated that 5 to 7 percent of all in-hospital spontaneous abortions are potentially suitable for transplantation. This conservatively amounts to suitable tissue from about 5,000 spontaneous abortions. In addition, there are over 100,000 ectopic pregnancies each year with an estimated 1,000 to 2,000 yielding tissue potentially suitable for transplantation. Taken together, these two sources would provide tissue for an estimated 6,000 to 7,000 transplants.

In the last 30 years, there have only been 60 patients treated with fetal tissue transplants in the United States. It is estimated that current research needs in the United States indicate that fetal tissue would be needed for less than 200 transplantations. There appears to be enough tissue available from spontaneous abortions and ectopic pregnancies to satisfy these research needs.

Mr. President, this view is supported by the Director of NIH and by leading researchers across this Nation. Over the past several weeks, many distinguished scientists—including former Surgeon General Dr. C. Everett Koop—have stated that the President's Executive order is workable. We should give it a chance to work, and we should give this bill a chance to become law by stripping it of unnecessary and controversial provisions.

As I stated earlier, I support the majority of provisions in this bill, but I cannot justify the potential mass harvesting of the unborn to produce an undetermined benefit.

The President's advisors have recommended that he veto this bill primarily because of the requirement that Federal funds be used in research on fetal tissue from induced abortions. Had the Hatch amendment been adopted, the President would have signed this bill. Even if the President vetos this bill, I am confident that an agreement will be reached for funding the vital programs contained in this legislation. My vote against this bill is not a vote against NIH, but a vote for unborn children and ethical research.

Mr. BRADLEY. Mr. President, it is with great pleasure that I rise today to support S. 1523, the NIH reauthorization bill. Special recognition is due for Senator KENNEDY for his skillful leadership on this important piece of legislation.

This bill includes a provision to continue the valuable research to improve vaccines for children. This provision would authorize Federal support for the continuing development of a children's vaccine to help immunize children in America and overseas against a wide range of diseases. The legislation authorizes $15 million for 1993, rising to $30 million in 1996.

Mr. President, there was once a time in America when it was left almost to chance whether a child would grow to reach adulthood. Many large families took it for granted that at least one of their children would be lost to polio, diphtheria, measles, or another contagious disease before adolescence. For most parents who sent their children back to school this fall with their inoculation records and booster shots, those days are history, thanks to the greatest lifesaving invention in all of medicine—vaccines.

But the diseases that our children complain about getting shots for because they have never heard of them are still a matter of daily life—and death—for millions of children around the world. Each year, 3 million kids die from the major diseases that can be prevented by vaccines. Only about 70 percent of the infants in the developing world were immunized in 1990. That's a tremendous improvement over the 5 percent that were immunized in 1974, and most of the improvement can be attributed to the U.N. immunization program, supported in part by the Child Survival Fund. But it's still not enough to eradicate killer diseases in the way that we have eliminated polio in the United States and smallpox worldwide.

In most countries in the past decade, UNICEF, the World Health Organization, the U.S. Agency for International Development, and other groups have built an adequate system for delivering vaccines to children. In very poor areas, children never see a doctor at all, or they receive only partial immunization. About 70 percent of the children in Jersey City, NJ, are not properly immunized. We must continue to work to make primary health care, including immunizations, a basic right of all children. But universal immunization will also require a bigger goal—better vaccines. A few forward-looking scientists and public health officials have a vision of a children's vaccine. Administered once in infancy, it could prevent about a dozen diseases for a lifetime.

Mr. President, immunizing every child in the world today is made more difficult by the characteristics of the vaccines we have available: Children need too many different vaccines keyed to different diseases. American schoolchildren must get three separate vaccine mixtures, including two that prevent three diseases each, and regular booster shots. In countries where illnesses like yellow fever are prevalent, even more distinct vaccines are required. The children's vaccine would

immunize a child against numerous diseases at once, including regional plagues like Japanese encephalitis and many for which good vaccines are not yet available.

To remain effective, current vaccines require too many regular booster shots. Recent severe outbreaks of measles in high schools and on college campuses in New Jersey recently have been attributed to neglect of booster shots. The children's vaccine would need to be administered only once in a lifetime, in infancy.

Most vaccines need constant refrigeration in order to remain potent. This makes it more difficult to bring the vaccines to isolated areas or store them in small, rural medical facilities. The children's vaccine would be stored and transported at room temperature.

Most vaccines are administered by injection, which not only requires more equipment but makes children reluctant to return for boosters. The children's vaccine would be administered orally, like the Sabin polio vaccine.

The children's vaccine is an ideal, like JFK's vision of putting a man on the Moon. It may take anywhere from 10 to 30 years of research before that single once-in-a-lifetime vaccine reaches the market. Each step along the way, though, will lead to more and better vaccines and help children live longer, healthier lives.

But the revolution in biotechnology makes the children's vaccine more than just a dream. Scientific research into vaccines peaked in the 1930's and declined with the introduction of antibiotics. New insights into the structure of the immune system and our ability to tinker with the very DNA of a virus make it likely that the 1990's will bring renewed progress in the development of human vaccines.

The only obstacle to this progress is an economic one. Vaccines are a public good; they are not particularly profitable for pharmaceutical companies, especially if they need to be administered only once in a lifetime. If we are to realize the major advances that recent science makes possible, governments will have to play a stronger role. Currently, the United States provides $140 million for worldwide vaccine research. Developing the children's vaccine is an Apollo project for the world's children, and this legislation will provide resources adequate to this lifesaving task.

The development of the children's vaccine has been endorsed by the World Health Organization's Scientific Group of Experts for the Programme on Vaccine Development. In addition, the National Vaccine Program convened a special meeting of experts at the National Institutes of Health last year about the technical feasibility of such an initiative. The results of that meeting also were overwhelmingly positive. Given the outpouring of support for the development of the children's vaccine, last year Congress provided $6 million to HHS and AID for early development work. It is my hope and expectation that more funds will be provided this year for this important initiative. I thank my colleagues for their support.

It is noteworthy that the NIH bill more fully recognizes the unique health problems for women, and the need for further research to address them. One significant provision steps up our fight against breast cancer, one of the most deadly diseases for women in our time. We know that about 50,000 Americans were killed during the decade of the Vietnam war. Breast cancer kills about that many women every single year. This bill will allow the leading scientific researchers to help us find breakthroughs to this tragic disease.

The bill also properly responds to the fact that women are too often excluded from clinical trials on crucial health issues. Scientific findings that state that a drug has been proven effective may prove to be faulty if women have not been included in those clinical trials. I commend Senator MIKULSKI and Senator ADAMS for their leadership on these important issues of concern.

Mr. HATCH. I am prepared to yield the remainder of my time.

Mr. KENNEDY. I yield the remainder of my time.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is an adoption of the conference report on H.R. 2507.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], is necessarily absent.

I further announce that the Senator from North Carolina [Mr. HELMS], is absent due to illness.

I further announce that if present and voting, the Senator from North Carolina [Mr. HELMS], would vote "nay."

The PRESIDING OFFICER (Mr. DIXON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—85

Adams	Breaux	Cochran
Akaka	Brown	Cohen
Baucus	Bryan	Conrad
Bentsen	Bumpers	Cranston
Biden	Burdick	Danforth
Boren	Byrd	Daschle
Bradley	Chafee	DeConcini
Dixon	Kerrey	Riegle
Dodd	Kerry	Robb
Dole	Kohl	Rockefeller
Domenici	Lautenberg	Roth
Exon	Leahy	Rudman
Fowler	Levin	Sanford
Garn	Lieberman	Sarbanes
Glenn	Lott	Sasser
Gore	Lugar	Seymour
Gorton	Mack	Shelby
Graham	McCain	Simon
Grassley	McConnell	Simpson
Harkin	Metzenbaum	Specter
Hatfield	Mikulski	Stevens
Heflin	Mitchell	Thurmond
Hollings	Moynihan	Wallop
Inouye	Murkowski	Warner
Jeffords	Nunn	Wellstone
Johnston	Packwood	Wirth
Kassebaum	Pell	Wofford
Kasten	Pryor	
Kennedy	Reid	

NAYS—12

Bond	D'Amato	Nickles
Burns	Ford	Pressler
Coats	Gramm	Smith
Craig	Hatch	Symms

NOT VOTING—3

Bingaman	Durenberger	Helms

So the conference report was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts.

Mr. WALLOP. Will the Senator yield for a unanimous-consent request?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The Senator from Wyoming.

CHANGE OF VOTE

Mr. WALLOP. Mr. President, I ask unanimous consent that my vote on rollcall No. 115 on the adoption of the conference report to accompany the NIH authorizations bill be changed from "nay" to "yea." This does not affect the outcome of the vote, and this has been agreed to after consultation with both the majority and minority leaders.

The PRESIDING OFFICER. Is there objection to the request of the distinguished Senator from Wyoming?

Without objection, it is so ordered.

(The foregoing tally has been corrected to reflect the above order.)

REAL REFORMS ENACTED IN SENATE DEBATE; ARE SOME REPORTERS AFRAID OF THE COOKIE MONSTER?

Mr. DOLE. Mr. President, yesterday the Senate voted to reauthorize the Corporation for Public Broadcasting for fiscal years 1994, 1995, and 1996 at a cost of $1.1 billion. By a vote of 84 to 11, the Senate approved this 50 percent increase in funding, a figure far above the more reasonable, but still generous $825 million recommended by the President.

But before anyone misreads the vote, or begins the celebration anew, let us be clear that some significant reforms have been enacted, even if the Senate once again missed an opportunity to cut spending—looks like all the talk lately about the deficit crisis and a balanced budget amendment is just a lot of happy talk: No wonder people cannot stand Congress.

MEDIA SHORTCHANGED TAXPAYERS

The taxpayers also got shortchanged by some of the media coverage of the public broadcasting issue because a few reporters—call them cheerleaders—were unable to get beyond silly and shallow characterizations of this issue: conservatives were out to starve the cookie monster, they wisecracked.

But despite some of our efforts to articulate many of the very real problems within the system—multimillion-dollar problems bordering on outright scandal—some reporters simply turned on the censorship machine and made it all go away, as they are so good at doing when they cover this Chamber and what happens in this Chamber. Most of them are right out there with the other left-wing leading reporters.

Well, we have now put the facts in the record. The leads are there. The information is there. Let us see if their is any follow up by the investigative reporters on the left and others who cover the Senate, see if they are out there looking for the things that have been happening, see if they have the courage to pursue it all—unless, of course, they are all afraid of the Cookie Monster.

The good news is, two long-overdue reforms are included in the bill that passed yesterday and I urge the CPB Board to use these new tools to help give the taxpayers the broadcasting system they deserve.

REFORM NO. 1: BALANCE

The first reform is what has been called the balance amendment, which I sponsored along with two strong proponents of public broadcasting, Senators DAN INOUYE of Hawaii, and TED STEVENS of Alaska. Our amendment requires adherence to a requirement that has been long ignored by taxpayer-financed broadcasting—programming which contains controversial material must be objective and balanced.

This requirement has been in place since 1967, the year Congress created educational television. Unfortunately, public broadcasting has chosen to ignore this requirement, and has energetically funneled millions and millions of dollars into leftwing, American-bashing documentaries, gloomy one-sided reports on "What's wrong with America," and all kinds of other mischief.

The amendment adopted by the Senate should change that imbalance by mandating a comprehensive review by the Board.

It also requires the Board to establish a new system to field complaints by those who are paying the bills—the American taxpayer. After all, shouldn't they have the final word when it comes to programming and quality and not some special interest group?

Finally, it requires the Board to take action when the objectivity and balance standard is violated, including the withholding of funds from offending organizations.

In a colloquy with Senators INOUYE and STEVENS, we made clear that the standard applies to recipients of programming funds as well. Therefore, the Independent Television Service, the Public Broadcasting Service, and National Public Radio all must seek balance and objectivity in awarding contracts.

With respect to the Independent Television Service, a separate amendment sponsored by Senators INOUYE, STEVENS, and this Senator requires what we call "geographic diversity" in grant awards. This reform was prompted by the initial grant announcements by ITVS, revealing what many of us feared—the vast majority of the taxpayers' money going to producers in Hollywood and New York City, and little to the rest of America.

REFORM NO. 2: ACCOUNTING FOR TAX DOLLARS

The second major reform of the system was an amendment we referred to as accountability. The Corporation for Public Broadcasting is not officially a government agency and is therefore not covered under the Freedom of Information Act, despite the fact that last year Congress sent 275 million dollars' worth of tax dollars to this organization. While some reporting requirements are currently in place, there is no central repository of information about what happens to the more than one-quarter of a billion dollars the taxpayers are shelling out each year. Let us finally find out who gets this money, why they are getting it and what they are doing with it. Sounds reasonable to me. We will also find out what producers are getting funding year after year at the expense of producers in Kansas, in Alaska, in Hawaii, and in State after State that are apparently "politically incorrect."

This repository of information is an important step. What we will not get, and what I will continue to pursue is information on the huge profits realized by public TV personalities off their sales of spinoff products such as books, videocassettes, toys, and newsletters.

As I noted in my statement yesterday, when taxpayers subsidize Louis Rukeyser or Bill Moyers, or the booming Children's Television Workshop, should not the taxpayers get their fair share of the return, a specific portion of the profits from the sales of licensed products and the like? I say yes.

Right now, we are unable to get an accounting of those profits, because the books are closed. However, as I stated, we will finally get an accounting of the tax dollars spent on public broadcasting. And that is an important first step.

SUPPORT PUBLIC BROADCASTING

I voted against final passage of the bill, but I support the concept of public broadcasting and have even supported it with my own contributions. I strongly support the needed reforms added by the Senate.

Remember, the Senate bill has increased the amount authorized for Public Broadcasting by 50 percent at a time we are struggling to find additional funds for the innercities, unemployment, the hungry, the homeless, for education, the environment, for agriculture, disaster assistance, health care, and all the other worthy causes.

I do look forward to working with my colleagues and the members of the new Board of Directors at the Corporation for Public Broadcasting in instituting these reforms.

Let me also make a promise to the taxpayers: I will continue to monitor the Public Broadcasting System, to make certain the system works for you, not against you.

Mr. KENNEDY. Mr. President, I want to thank all of the Members for their participation in this debate and for the very, very strong support for the conference report. This bill is one of the most important pieces of health legislation that we will consider this session of Congress. Even though my good friend and colleague, the Senator from Utah, and I differed on some of the provisions in the conference report, there are, I know many provisions in the bill which all Members can support. The conference report reflects the informed, balanced judgment of the members of our committee and the Members of the greater body of the research priorities of our Nation.

I want to thank several individuals who have been instrumental in the passage of this bill. First, our colleague, BROCK ADAMS, has played a leadership role in the development of the research freedom, fetal tissue transplantation, and women's health provisions of the bill. I appreciate his dedication and commitment to the passage of the legislation.

I also want to thank Guy Walden, Joan Samuelson, and Ann Udall. Ann

Udall is a very special individual. I think all of us in this body who have had the opportunity to know Mo Udall loved him and continue to. Ann has brought enormous energy to this issue and was enormously, powerfully persuasive in visiting with our colleagues. I commend them for their tireless efforts to educate the Members of Congress and America about the importance of fetal tissue transplantation. I am especially grateful for all of their help and also for their assistance and efforts on behalf of research freedom.

I also want to thank my staff, Van Dunn, Daryl Jodrey, Grant Carrow, Mona Safrity, David Nexon, Nick Littlefield, and the staff on the Labor Committee, especially Laura Brown, Robin Libner, Phyllis Albritton, Vicki Otten, Kimberly Barnes, Dr. Ann Labelle, Dr. Scott Daniels, Dr. Gary Noble, and Christy Fischer for their herculean efforts. Again, I thank the majority leader for scheduling this measure.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished majority leader is recognized.

ADAMHA REORGANIZATION ACT—CONFERENCE REPORT

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the conference report to accompany S. 1306, the Alcohol, Drug Abuse, and Mental Health Administration reauthorization bill.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I move to proceed to the conference report to accompany S. 1306.

Mr. GRAHAM. Mr. President, I ask that the conference——

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I ask that the conference report be read.

The PRESIDING OFFICER. The Senator from Florida has that right. The clerk will read the report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 1306—

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I ask unanimous consent that the reading be interrupted solely for the purpose of permitting me to make a statement of explanation of the situation we are in and to permit the Senator from Florida to do the same.

The PRESIDING OFFICER. Is there any objection?

The majority leader.

Mr. MITCHELL. Mr. President, I have just made a motion to proceed to the conference report on S. 1306, which will reauthorize the Alcohol, Drug Abuse, and Mental Health Administration. That is a nondebatable motion which would be subject to a vote by the Senate immediately but for the fact that the Senator from Florida, exercising his right, has insisted that the conference report be read in its entirety.

I am advised that the conference report will take several hours to read in its entirety, and although that right exists for any Senator on any bill, in all of the time I have been majority leader no Senator has insisted upon exercising that right. If the Senator from Florida insists, as he has the right to do, that it be read, that will simply delay for several hours the vote which will occur today on the motion to proceed to the conference report.

I repeat, the vote will occur today. It is either going to occur shortly or it will occur several hours from now after the reading of the conference report is completed.

I believe that reading to be a waste of time. The conference report is available for every Senator to read individually. The time used for the reading could be spent debating the conference report, and the Senator from Florida could express to the Senate his objections to the conference report and seek to persuade other Senators to vote with him in opposition to the motion to proceed or to the bill itself.

I am prepared to arrange the Senate schedule in whatever manner is convenient for the Senator from Florida to enable him to present his arguments in opposition to the legislation; a session for as long as he wishes this evening, a session of the Senate tomorrow, a session of the Senate Saturday, a session of the Senate Monday. The Senator from Florida could take such time as he wished on any or all of those days to make his case.

But I must say, in all candor, I believe a purely dilatory action such as requiring the full reading of the conference report will, at least in my judgment, accomplish no useful purpose. And if that does occur, then I repeat, we will simply wait until the conference report is read. If any opportunity presents itself during the reading, of course, the distinguished manager would seek consent to terminate the reading. Therefore, the presence of the Senator from Florida would be required on the floor at all times to protect his interests. And on the completion of it, we will simply be in a position that we would be in now if we adopted the motion to proceed.

Since the Senator from Florida has made clear, again as is his right, to oppose this legislation by any means at his disposal, it will be necessary to file cloture on the conference report to seek to prevent unlimited debate on the conference report itself. Again, I do not prefer that alternative and would in any event, even if cloture is filed, attempt to arrange the schedule to give the Senator from Florida as much time as he wishes to make his case on the subject.

Therefore, I inquire of the Senator from Florida, knowing that we have discussed this matter privately both yesterday and immediately prior to now, whether he would be agreeable to permitting us to proceed to the conference report and then whether he would wish to debate it and for what period of time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate the generosity of the majority leader, and I would like to answer his question first with some background.

The issue that we are debating today is the reauthorization of the basic Federal program that allocates funds to States for alcohol, drug, and mental health purposes. Needless to say, all of us are very concerned about this issue. Unfortunately, my State has been in some sense the front line of drug issues in America, and therefore has been especially impacted by the pernicious effect of drugs, and therefore particularly in need of the funds that have been available through this program to assist in effective rehabilitation and treatment programs.

On behalf of the citizens of my State, I wish to express our appreciation to this body and to the citizens of America for the support which they rendered.

Our concern with this legislation is twofold. First, there is a proposed change in the formula for allocation. That change is based on a study which was conducted more or less a decade ago, based on standards of what would be the most appropriate allocation of funds among the 50 States. This bill itself carries with it the seeds of a recognition of suspicion as to the validity of that study, because this same bill which adopts a decade-old study as the basis of a formula then directs another study to determine if that formula is in fact appropriate.

I will not further debate the issue of the formula beyond saying that I have serious questions about it, which I look forward to sharing with the Members of the Senate.

That, however, is not my primary objection and the reason why I reluctantly have taken the course of action

that we are engaged upon. Rather, it is the fact that this bill passed the Senate sometime in the middle of the first session of this Congress, or approximately 9 to 12 months ago. At that time, the proposal was that whatever formula emerged from the conference committee would go into effect as of October 1, 1991—that is, for the fiscal year 1992.

The conference was an extended one. In fact, it was not until May 14 that the conference report was finally filed, over halfway through the 1992 fiscal year. The proposal contained in this report now is that there would be an application of this formula to this year, and beginning with the fourth quarter of 1992 a redeployment of funds consistent with this new formula.

The practical effect of that, Mr. President, on about 9 or 10 States is going to be a very devastating reduction in their funds for alcohol, drug, and mental health programs in the last 90 days of this fiscal year.

The practical effect is going to be that in this program and other programs in which the States look to the Federal Government to be a partner in funding, there is going to be a new level of concern and skepticism as to what kind of last-week-of-the-year changes are going to be made in these formulas.

The practical effect is that hundreds, if not thousands, of people who depend upon these funds for part of their mental health, drug and alcohol rehabilitation services are going to be effectively denied service. Obviously, Mr. President, there are going to be some winners.

In fact, there are going to be numerically a substantially greater number of States who will be winners than losers. But even their the ability to effectively deploy these funds in the last 90 days of the year I think is suspect. And the larger issue of the credibility and reliability of the Federal Government would be an outweighing factor.

Having said all of that, Mr. President, my goal is a simple one. I would like to reach a point in which this new form will, if it has to be adopted, would be adopted for the period beginning with the 1992 fiscal year and not be made applicable in the last quarter of the 1992 fiscal year, and by so doing avoid the disruption that will clearly follow from the adoption of this bill as it is currently printed.

This matter, Mr. President, has been before the House of Representatives. Just 2 weeks ago the House first voted the bill down on a recall that had been submitted, and then voted to refer it to the conference committee. That is some indication that there were issues within the bill that caused concern in the House.

Frankly, many of those issues were on subjects other than the formula having to do with the use of needles by drug users and other questions such as that. But I believe that that history indicates it was not the intention of the Senate when it passed this bill to have it have the impact that it is going to have should it become law at this time; that is, the tremendous disruption of the bill becoming effective in the fourth quarter of 1992.

Having said that, Mr. President, I hope we might be able to arrive at some arrangement in which there could be essentially a deferral of this debate until the early part of next week at which time cloture petition would be filed and considered, and then we would see what happened thereafter.

I hope that maybe good people who I think are all committed to the goals of this legislation and are desirous of best serving the interests of this institution could arrive at a method of dealing with this legislation in order to avoid an unnecessary delay this evening through the course of reading the bill.

But if we read the bill, I am certain we will find it to be an interesting literary experience and a learning one in terms of what the conference committee has recommended for this proposal.

Mr. President, I yield.

Mr. MITCHELL. Mr. President, I would like to ask the distinguished Senator from Massachusetts who is the manager of the bill to respond to the substantive assertions made by the Senator from Florida, and then I will comment on the matter of procedure of taking it up.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will put a more complete response in the RECORD.

I am glad to take whatever time that the Senator from Florida would like to address that particular issue.

It was a study that was done in 1986 by the Institute of Medicine which made a recommendation to our committee with regard to trying to assure the best, most efficient allocations of resources, Federal resources allocations, to deal with the issues of substance abuse and also mental health. That was in 1986.

Our committee started in 1988 to review the results of the study by the Institute of Medicine. It was in 1990 that the GAO did a review, a careful review, of existing programs and also of the recommendations of the Institute of Medicine.

I will include the appropriate provisions in the GAO report.

Their testimony before our committee, Mr. President, when asked was by Lawrence Thompson, Assistant Comptroller General for Human Resources of the GAO, as follows:

Mr. Chairman, I am pleased to be able to come and give you a pretty good stamp of approval. I will not take very long. You are right.

We looked at the formula used to distribute the block grant money among the States. We think the formula that you have included in S. 1306 is a major improvement over the current law, and I would say there are three reasons for that.

First, it is an improvement in that it adopts a better measure of the relative needs of each State's population.

Second, it introduces an explicit adjustment for differences in cost of labor and office space, and among the various States.

And, third, by doing those first two things, it restores the principle that those States having lower fiscal capacity should have somewhat greater Federal aid per capita. That principle has been sort of eroded because of the way the current formula works.

So for those three reasons, we think that the formula that you have included is in fact a major improvement. And I am happy to elaborate on any other aspect.

We have tried with the development of help for the problems of substance abuse that exist in the major cities of this country, but also now is increasing in rural communities. We have tried to respond to that.

I do not represent a rural State. I have rural areas in my State. We are served by maintaining a current formula that gives an urban weight. But we have tried to respond to what had been the sound scientific and medical recommendations in terms of trying to take scarce resources and target the areas of need.

Now my good friend from Florida raises this issue and we have the general discussion at the time of the authorization. He wants an additional review to find out whether, given the changing and evolving challenge that we face with substance abuse and mental illness, even the one that we had in the bill that was authorized was going to be satisfactory.

We agreed to that. We accepted it. We are glad to do it. I would like to believe that our committee tries with our objectives to target the resources where the needs are.

So we accepted that. We are glad to work with it in this particular program. But as all of us know, once you come to any formula considerations, there are some realities that this body ought to face.

If I could just take another minute or two, the conference report provides that Florida will receive an allotment of $63.1 million in 1992. That is precisely the same amount that Florida was due to receive under the Senate bill which passed by unanimous consent after specific discussions on the point with the two Senators from Florida.

The only difference between the Senate bill and the conference report with respect to Florida is that the State received its $63 million sooner in the year rather than later, because the money was paid out at a higher rate for the first three quarters. But the equities in the situation have not changed.

At my request, Secretary Sullivan notified every State last year that its

block grant allotment was subject to change. Florida in particular knew that it was likely to receive $63 million since that was the amount it would receive under the Senate bill.

At the same time the Senate bill passed, the Senators from Florida asked for a particular provision in the bill to address their formula concerns and these provisions have been included in the conference report.

First, the cost index in the bill which does not favor Florida must be updated prior to fiscal year 1993.

And, second, the formula itself would be the subject of a major independent review by the National Academy of Sciences. We support that.

Finally, Florida benefits significantly from the hold harmless provision in the formula. Without it, Florida would receive $59 million under the new formula. But with it, the State can fall no lower than its fiscal year 1991 level of $63 million for the life of the bill.

So in fact the State is likely to gain money as soon as appropriations increase. But appropriations can only increase if we reauthorize the program and provide for a formula that equitably balances the convenient interests of urban and rural States.

I just point out, as I mentioned to the body, that my own State of Massachusetts would not gain one dime from fiscal year 1991–92 under the new formula. In that regard, Massachusetts is just like Florida.

But I am willing to endorse this formula as the fairest way to allocate scarce resources. There are many important initiatives in this bill. Many are categorical grant programs that Florida would be well suited to compete for.

I do not fault the Senator from Florida for fighting for his State but I ask him to recognize the overriding needs to pass this bill, reauthorize these programs, to strengthen the Federal effort against substance abuse and mental health. We have been 5 years trying to address this issue, and we have included in this legislation the best in terms of medical research to deal in terms of substance abuse, and mental health.

There is important structural changes in terms of mental health, particularly with regards to children which are enormously important.

Known as someone who does not mind investing in these kinds of issues, I am delighted to work with the Senator from Florida to see if we cannot get more funding for the whole effort. I think we had in the debate—the majority leader remembers when we were considering the omnibus drug bill, the Senate went on record indicating support for 50–50 allocation between the demand and supply side. It is 70–30 now. Some adjustment had been made by the excellent leadership of the chairman of the Appropriations Committee a year ago; that brought it up to 67–33, about. We are far away from that. I strongly believe that we ought to be at least at the 50–50, which would provide additional resources in the areas of substance abuse, and for all the Members of this.

I will work with him on that issue and others to try to increase funding. We are where we are at this particular time and, as we all know from the various formula issues, there are some that benefit, and we have tried to have the ones that benefit benefit for the reasons that are justified in terms of mental health and substance abuse.

Mr. STEVENS. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. My question to the Senator is: Has there been some change in this formula for small States? I am getting calls from Alaska indicating that Alaska has a changed allocation under this program and will be denied allowances, except on a pure per capita basis. Is this the case?

Mr. KENNEDY. If I could address the Senator, the Senate formula contained a small-State minimum. I support the small-State minimum because of the needs of the small States. The House contained no such minimum, and the House conferees fought us on that. They argued the formula should be revised to reflect the needs of the States, not the cities. We did our best to hold on to every aspect of our formula. The small-State minimum eventually had to compromise. We agreed that the minimum would apply only to those small States that have a per capita allotment lower than the national average, which is most small States.

The Senate conferees would have preferred the small-State minimum be to all States. But it is a product of a compromise, and this was a reasonable compromise. The average allotment is 47.78. Alaska's is 5.16. So it did not receive the small-State minimum. The State is held harmless at the 1991 level, $2.73 million, so it is neither a formula winner or loser.

Mr. STEVENS. Mr. President, I am going to have to study that. It is my understanding that what happened is that the administrative allowance for conducting these programs in very large geographical areas such as ours has been knocked out, and we now have a per capita allowance based upon a different formula. I do not join the Senator from Florida in the request that the report be read, but I do intend to have a series of questions for the Senator from Massachusetts concerning this new formula.

Mr. KENNEDY. I would be glad to take whatever time the Senator would like on this issue. We find that many of the States will be increased because of a change in the way to try and deal with the rural problems. Regarding many of those States, I have talked to those Senators and they say we are still not up to the national average.

It is a difficult thing. All of us know that, and the Senator from Alaska knows very well that you just have a very difficult time in terms of trying to develop a formula where everybody is going to win. There will always be some who will do better than some other States.

We believe that based upon various studies done by the Institute of Medicine and GAO that this is the best formula for this time, and we welcome the additional kinds of study that are included in this program, so that we will be able to make further adjustments the next time down the road. We are glad to do that.

We believe that the Institute of Medicine study suggested by the Senator from Florida is a reasonable way to go. We are for it. I would hope that people would believe, based upon what we have done, that we are interested in making sure that scarce resources are going to be targeted in the areas where they will be needed. That is why we are in this kind of pickle now, because we made some adjustment and change. But I do think it is justified in terms of the policy reasons.

I thank the majority leader.

Mr. MITCHELL. Mr. President, the rules of the Senate permit any Senator to employ a variety of tactics to delay action from occurring. It is a common event in the Senate, understandable to Senators, but less understandable, I think, to the American people. But it is clear now from the comments made by the Senator from Florida that he will insist on the reading of the report. I regret that very much, because it is my judgment that such reading serves no useful purpose and will not cause any delay in the ultimate action on the measure. As I said earlier, we will either vote on the motion to proceed to this conference report now or we will vote 6 hours from now.

At that time, in view of the stated position of the Senator to employ such tactics, as he appropriately may under the rules to delay the matter, there will be no alternative but to file cloture on the conference report, setting up a cloture vote on next Tuesday morning. Therefore, Senators should be aware that we will now, at the insistence of the Senator from Florida, proceed to the reading of the conference report. Following the completion of that reading, the Senate will vote on the motion to proceed to the conference report. Thereafter, it is my intention to file cloture on the conference report which will set up a cloture vote for Tuesday morning.

In the meantime, if the Senator from Florida wishes to advise me of his desires with respect to further debate on

the matter, to give him the opportunity to more fully explain his reasons for opposition, I will be pleased to accommodate him in any way that I can.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I say to our colleagues who have worked so hard on this and other issues, as I indicated, I have some concerns about the formula, which I look forward to discussing. But that would not be an issue that would cause me to take the action that we are taking this afternoon. Rather, it is the fact that we are about to make this formula applicable for the last 90 or 100 days of this fiscal year, an event which is going to cause a substantial amount of disruption. Programs that are already in place, operating on a certain assumption as to what their level of resources will be, are going to have to make a radical change in a very short period of time, causing a serious disruption of services to people who depend upon them in their efforts to lift themselves out of the addition of alcohol or drugs, or to deal effectively with their mental illness.

It does not seem to me on June 4 that it is an excessive request to say let us have this formula, whatever we may think of it, go into effect on October 1, not in the last few weeks of the 1992 fiscal year. That is the essence of what my request is and why I hope that we can arrive at some procedure that might move us toward that reasonable objective.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I am about to yield the floor so that the reading of the conference report can continue. I am advised that, to my knowledge, there is no request on the Democratic side for a rollcall vote on the motion to proceed to the conference report.

I inquire of the distinguished Republican leader whether there is any request on his side.

Mr. DOLE. There is no request on this side.

Mr. MITCHELL. That being the case, it is my intention that we will proceed to the reading, as insisted upon by the distinguished Senator from Florida, following which the motion to proceed to the conference report will be adopted by a voice vote.

In the interim, I hope that we can discuss the matter further and see if I can accommodate the scheduling desires of the Senator from Florida.

Mr. KENNEDY. Will the Senator yield?

Mr. MITCHELL. Yes.

Mr. KENNEDY. I would like to make a very brief response to the last point of the Senator from Florida, just so we do have it in the RECORD, in reference to the request that we continue the current formula through the end of this year.

Mr. President, the fact remains if we did not have the increase on the supplemental, if we did not have the increase that was supported by the Appropriations Committee, Florida would be receiving $59 million instead of the $63 million which is included in this legislation.

The increase that was put into that by the Appropriations Committee was put in there solely—solely—for the reason of the changed formula so that we could accommodate States so they would be held harmless.

We are attempting to keep faith with the Appropriations Committee that made the adjustment and the change. They had hoped that we would have resolved the conference report so only half the year would have gone by.

If we were to follow and accede to the request of the Senator from Florida, there are 38 States that have been waiting all year long that will be further disadvantaged.

And that is why I would like, if we had additional resources and funding, to accommodate the Senator from Florida. But with the limited resources we have now, if we were to say Florida and the other States will be receiving it, we are basically disadvantaging the other States. And I daresay I doubt very much, as someone who negotiated with the Appropriations Committee—I am sure, as a matter of fact—they would not have put the additional money in there.

Finally, Mr. President, I will put in the RECORD the notification from the Department of Health and Human Services that was sent out to all the States. In this case it was sent to Dr. Groves, Assistant Secretary, Alcohol, Drug Abuse, and Mental Health, Department of Health and Rehabilitative Services, Tallahassee, FL. I will put it all in the RECORD. But it does point out: "In addition, the annual allotment is subject to adjustment based upon possible future congressional action as part of the reauthorization process. The amount of funds awarded in this action, however, shall be considered final."

The effect of this was once they got it out, once they mailed it out on the quarters, there was not going to be any attempt to withdraw it. But what it was was the notification that this formula was subject to this process. That is why we got ourselves into this particular difficulty.

I appreciate the opportunity and ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Rockville MD, November 26, 1991.

Dr. IVOR D. GROVES,

Assistant Secretary, Alcohol, Drug Abuse and Mental Health, Department of Health and Rehabilitative Services, Tallahassee, FL.

DEAR DR. GROVES: Enclosed is the initial grant award notice for the fiscal year (FY) 1992 Alcohol and Drug Abuse and Mental Health Services (ADMS) Block Grant to your State. Please distribute copies of the award document to other departments/divisions/officials in the State that require the information; five additional copies are enclosed to facilitate the distribution process.

This initial grant award is being issued under FY 1992 Continuing Resolution funding authority which permits us to fund you at last year's annual level for 57 days. The amount of this initial award, on line 9a, therefore represents approximately 12 percent of the State's provisional allotment. The total amount of the ADMS Block Grant allotment (shown on line 8 of the award notice) has been calculated in accordance with current Section 1912A of the Public Health Service Act. When a final Federal appropriation is enacted, appropriate adjustment will be made in subsequent awards. This line also reflects the minimum reduction permitted under Section 1926 of the PHS Act (.02 of your FY 1986 allotment) which we are withholding until such time as the National Institute of Mental Health completes its review of the State implementation status of State Comprehensive Mental Health Services Plans required under Section 1925 of the PHS Act. These funds will be restored in the first quarterly award issued subsequent to a finding of State compliance. (In the meantime, quarterly allotments will be calculated as if the reduction had not been taken.) In addition, the annual allotment (line 8) is subject to adjustment based upon possible, future Congressional action as part of the reauthorization process. The amount of funds awarded in this action (line 9.a.), however, should be considered final. Any adjustments in the total allotment will be specified in a subsequent quarter's Notice of Block Grant Award ±

PRIVILEGE OF THE FLOOR—S. 1306

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the consideration of S. 1306, Adam Gelb, legislative fellow on the staff of Labor and Human Resources, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR—S. 1306

Mr. GRAHAM. Mr. President, I ask unanimous consent that during the consideration of S. 1306, Kathleen Hallasey, of my staff, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Thank you, Mr. President.

The PRESIDING OFFICER. The clerk will resume reading of the report.

The assistant legislative clerk resumed the reading of the conference report.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the clerk dis-

pense with further reading of the conference report, and I ask unanimous consent that I be permitted to speak for 10 minutes and then that we return to the exact same place in the reading of the report.

The PRESIDING OFFICER (Mr. WOFFORD). Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

THE ADAMHA AUTHORIZATION BILL

Mr. DOMENICI. Mr. President, I rise to praise the Senate committee and conferees for what they have done in this bill that is before us, the ADAMHA authorization bill. I will talk only about two aspects of it, but I think they are two aspects that are vitally important.

Let me first say to the Senate and those who are interested in this proceeding, in the last decade more has been found out, discovered, become knowledge of our scientists about the human brain than in all of history. We, for centuries upon centuries, practiced the healing arts as it pertained to serious mental illnesses without any knowledge whatsoever about how the physiology of the brain, how the biology of the brain and the body combined to cause serious mental illnesses such as schizophrenia, manic depression, severe depression or bipolar illness.

As a matter of fact, Mr. President, these scourges on humankind found little or no sympathy. Most of those who were victims of this horrible disease, serious mental illness, found themselves sooner or later encaged within prisons called hospitals or sanitariums or insane asylums or the nut house, or whatever people chose to call them. There was human suffering that went on as a result of these illnesses not only to the victim, the seriously ill person, but to their families, to their friends, to their brothers and sisters, because this was thought to be something that somebody in the family was responsible for.

How many times can we remember growing up when people would talk about somebody who was insane and it took on the dimensions of witchcraft or terrible upbringing or parents who did horrible things to the child and, thus, they came to this horrible end called schizophrenia.

Mr. President, it is now becoming scientific knowledge that the brain is not functioning properly for most of these people with most of these horrible diseases. And, Mr. President, the breadth of this damage in society is not yet even understood by Americans. For instance, these diseases, the ones just enumerated, called serious mental illnesses or diseases, are 50 times more prevalent in America than cystic fibrosis. They are 60 times more prevalent in America than muscular dystrophy. Two and half million Americans day by day suffer from schizophrenia, and maybe we do not even have the total dimension of that number. Perhaps as many as 40 million Americans suffer from some aspects of mental illness with depression leading the way. Serious depression is the principal cause of suicide in America, both among our teenagers and elders.

So suffice it to say that within this tremendous entourage of national health institutes that the United States has, the National Institutes of Health—there is nothing like them in the world—this bill sets aside a new, freestanding National Institute of Mental Health. It separated it out from all the other important functions under ADAMHA.

It is high time. Over the last 7 to 8 years this Senator and a few good stalwart supporters have pushed ever higher each year the amount of funding that the appropriators, not the authorizers but that the appropriators, put into investigation and research in serious mental illness.

Mr. President, some of us are very proud that in tight budget times we have been increasing this fund on average 20 percent a year. We are up to over $500 million now. So that no one will get carried away and think we have overdone it or even done it adequately—remember, we are spending over $2 billion on AIDS and well we should, well over $1.2 billion on cancer and well we should.

But, Mr. President, there are more Americans suffering under these diseases in hospitals in America than from cancer. We believe today there are 100,000 seriously mentally ill American men and women in the prisons of America and the city jails because it is so difficult to handle these kinds of people that they end up in prisons for stealing hot dogs and running when they are in one of their mental frenzies and they end up the first round in city jails, the second round in prison if they have not killed themselves.

Many parents have talked to this Senator, as he meets with the many, many Americans who belong to the NAMI group. The people who belong to this group called NAMI are all relatives or close friends of the seriously mentally ill, and if you visit the Alliance for the Mentally Ill Convention and talk to those parents, you will find them each talking about the life they live with a seriously mentally ill child. Most will tell you of suicides or threats. Most will tell you of incarcerations or beatings. Many will tell you of their children who walk the streets of America as homeless.

Now, Mr. President, we are on the way. The good news is that with great research and pharmaceutical investigations, science, we can cure 80 percent of the depressives in America if they just get the right doctor with the right kind of treatment, the right kind of case management, the right kind of medicine. And, yes, schizophrenia is tough, but we are getting there. We may, indeed, be able to control and stabilize 50 percent of the schizophrenics in America. We do not yet dedicate and devote enough special attention, special kinds of legislative acts that would address the homeless mentally ill, but we are getting there.

Five years ago, we had nothing. We have programs in excess of a half billion dollars directed at that. We have housing programs of $200 or $300 million trying to marry housing and treatment for the mentally ill in our streets, and the President regularly asks for more, not less, in those programs. Regardless of what is generally said about the President and Republicans who do not care about these things, these programs are going up, not down. As a matter of fact, just as an aside, Congress has funded the homeless programs less than the President asked for in the last year, substantially less. Just an aside.

Mr. President, in this bill, we are clearly going to set aside as one of those formidable institutes of research, an institute called the National Institute of Mental Health. It will get funded and from its funding it will have an intramural program and a extramural program with grants to the very best scientists and institutions in America that can put together proposals to further solve these problems, further find medications and treatments for these kinds of Americans.

I compliment the administration for their recommendations, but most of all our Senators who are on the conference who got this job done. And that does not mean that the rest of ADAMHA is not important. It is. It has a lot to do with how you service and care for alcoholics and the mentally ill. But under the research umbrella taking its place right up along side of those great institutes for cancer research and others now we have one that is there as a National Institute for the Mentally Ill. That is one good one.

Now, Mr. President, we cannot rest on our laurels of having science move in the right direction. We have only a short time as decent people, as policymakers, to address a very important issue, and that is the issue of what do we do with the seriously mentally ill when we reform the health care system of America.

Are we going to reform the system in the next 18 months in a major way so that we deliver more care for less money with all the new approaches to changing this delivery system which is costing too much and delivering too little? Are we going to say, well, we are going to deal the mentally ill out of that coverage again?

Mr. President, the insurance companies in the United States—and I do not

stand here critical of them; I merely state the facts—have found it very easy to exclude serious mental illness from coverage under most insurance policies. Or if they have coverage, Mr. President—and only about 10 percent have significant coverage. But if they do, they cap the lifetime allowance for those diseases and illnesses. They do not cap it on cancer. They do not cap it on kidney disease. They do not cap it on any of the others. But if you have a child with schizophrenia, you will spend that $50,000 the first 3 or 4 years of their dread, dread emergency situations. And then there is none. Almost all have caps like that.

Mr. President, this bill clearly could not direct the coverage for the seriously mentally ill in the next round of reforms in our health care system. That is not the bill. That is not the vehicle. But it does an exciting thing for it recognizes that this is a serious problem and it directs the National Institute of Mental Health to forthwith establish and complete a comprehensive study on how we would cover this comprehensively as we do other diseases and tells them to establish the way and the costs, so there will not be any excuse as the reform bills find their way through, the reform bills on health care will not be any excuse for us to be under the table, under the desk, in the hallway on the issue of whether we are going to include the seriously mentally ill within the national programs of health care coverage. It will give us some answers.

Now, Mr. President, I am somewhat proud of that because actually before this language was written and agreed to, I introduced a bill, actually a strange sort of bill because it is directed at Congress itself. Essentially, it says to Congress you will, when you do the reform in health care, put serious mental illness right up on par with the other serious illnesses as you contemplate the reform and the methods of reform and the like.

I am not sure we will pass that, but I will tell you every single Senator is going to find out how serious this problem is because the mentally ill in the United States, the parents, the friends, the neighbors, the grandmothers and grandfathers of a very beautiful 17-year-old, that last year of high school, all of a sudden started doing very strange things and ends up being diagnosed 2 years later as schizophrenic, those people are going to start bombarding our offices with petitions and letters and telegrams saying we do not want to be discriminated against when you pass the new health care reform. We want equity for those who are seriously mentally ill, and they are going to make their case. I hope they do.

But I can tell Senators if they do not, and it is not in the reform measures, you will get your chance to vote on whether you are going to deal them out, continue this enormous discrimination, perpetuate the next round of civil rights violations, and close your eyes to them as the mentally ill are incarcerated in our prisons, a civil rights issue if every there was one. You are going to hide all that under the rug or you are going to take it right up on top and say it deserves the same kind of attention as the other serious illnesses that we so valiantly and so openly and with so high, high regard, say we are going to take care of because we are concerned about the health of Americans.

So, with that, again, I extend my appreciation to the committee for their excellent work in this regard and hopefully we can pass this ADAMHA reauthorization bill soon. I do not think one argues with the provisions I am talking about. If there are others that cause concern, obviously I do not know that issue at this point, so I do not know where I am. But I think the committee, with everything I know anything about, did a marvelous job. I appreciate it and thank them.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The clerk will resume reading the conference report.

The assistant legislative clerk, the legislative clerk, and the assistant bill clerk alternately resumed reading the conference report.

(The conference report is printed in the House proceedings of the RECORD of June 3, 1992.)

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I ask unanimous consent that the present matter be laid aside and I can proceed as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

TIME TO GET TOUGH WITH SERBIA

Mr. PELL. Mr. President, 2 weeks ago the nation of Bosnia-Hercegovina was admitted to the United Nations. This act turned a civil war into a bloody international conflict. For 3 months, Yugoslav National Army forces and militias backed by the Serbian Government have been shelling the cities and town of Bosnia-Hercegovina. For 3 months, Bosnian-Serbian militias have been engaged in a brutal policy to purify the self-styled Serbian republic of Bosnia-Hercegovina by forcing out the Moslem and Croatian population in the two-thirds of Bosnian territory claimed by the Serbs. The purification tactics employed by the Serbs include shelling, forced evacuation, terror, and murder. So far at least 5,000 people, almost all civilians, have died in this war.

In the 7 months of Iraqi occupation of Kuwait, some 5,000 Kuwaitis perished. This toll has been exceeded in just 3 months in Bosnia-Hercegovina.

Bosnian-Serbian militia are carrying out most of the atrocities in Bosnia-Hercegovina. But they are not acting in the name of the Serbian people of Bosnia-Hercegovina. Most Serbs in Bosnia-Hercegovina have lived in peace and friendship with their Moslem and Croatian neighbors. Bosnia had been a model of ethnic and religious harmony in a very troubled region. Indeed, many of the militia's victims are Serbs who died with their neighbors as apartment buildings and villages are shelled.

The Bosnian-Serbian militias are essentially gangs of thugs and thrill killers. They could not continue their bloody work but for the material and military support from the Serbian-led rump Yugoslav federation. The rump Yugoslavia seeks to unite all Serbs into a single country. Nor is the rump Yugoslavia modest about its territorial ambitions. Even though Serbs constitute just one-third of the population of Bosnia, Serbia wants to carve out two-thirds of Bosnia's territory for them. And Serbia claims nearly half of Croatia's territory, even though the Serb minority in that newly independent country is just 12 percent. Finally, the Serbian Government denies the Albanian people of Kosova the right to their own homeland, keeping them subjugated on behalf of a resident Serbian population of less than ten percent. The Serbian Government claims the right to rule Kosova because Kosova was the site of a battle critical to Serbia's history. That battle took place over 600 years ago.

Serbia is led by Slobodan Milosevic, Europe's last Communist. I spent more than an hour with Mr. Milosevic over Easter, 1991, and I found him a singularly disagreeable man. It was his obstinancy and willingness to compromise that made it impossible for the old Yugoslav federation to continue. It is his bloody mindedness that is responsible for the war in Bosnia.

The United Nations has imposed Iraq-style economic sanctions against Serbia and its Montenegran partner. Now it is argued that sanctions should be given time to work. After all, the international coalition waited 6½ months before initiating military action against Iraq. However, after Iraq seized Kuwait, the situation in Kuwait was relatively calm. The world could afford to wait for diplomacy to work. Not so in Bosnia-Hercegovina. As we speak, war is being waged against innocent people. Each passing day brings hundreds of new casualties. The historic and beautiful cities of Sarajevo and Mostar are being reduced to rubble. As lives are lost, so too is the cultural heritage of Europe and the world.

It is time to consider further steps to save lives. First, the blockade against

Serbia and Montenegro must be tightly enforced. The United States, our NATO partners and our Russian and Ukrainian friends have enormous naval resources in the vicinity of Yugoslavia. We should promptly seek a U.N. Security Council resolution authorizing the use of these naval assets to blockade the coast of Montenegro.

Second, the United States acting in the United Nations should consider immediate military action to stop the killing now. The airspace over Bosnia-Hercegovina should be closed to the aircraft of the rump Yugoslav federation. We should seek a Security Council resolution authorizing the use of air power against Serbia. A United Nations declared intention to defend the airspace over Bosnia could be sufficient to keep Serbia out.

Finally, acting either under article 57 or pursuant to a Security Council mandate, the United States and our friends and allies should consider military action against the artillery now pounding Sarajevo. Militias shelling innocent civilians in a major city are not a military force, but a bunch of cowards. It is easy to be brave when firing a big gun at unarmed people miles away. I suspect that such bravery will quickly disappear with the arrival of just a few well-directed smart bombs.

The United States cannot become the policeman of the world. Even with our military force, we cannot right every injustice around the globe or bring peace to every regional conflict. For this we need to reform and strengthen United Nations peackeeping, including providing forces from many countries that can be on call and by securing a reliable source of funding.

Seventy-four years ago, as assassination in Sarajevo plunged Europe into a bloody civil war that destroyed three empires, remade the map of Europe, gave birth to the twin totalitarian ideologies of communism and nazism, and took tens of millions of lives. Just now the world is emerging from the aftermath of the conflict set in motion by the assassination in Sarajevo. Just now we can contemplate a new world order based on democracy, on the rights of States large and small, and on the peaceful settlement of all disputes. Yet this new world order will be another empty promise if we stand aside and allow Serbia to continue the slaughter in Bosnia-Hercegovina.

We have come full circle. Two world wars and one cold war trace their origin to Sarajevo. Now the world can step in and end a bloody war that is destroying Sarajevo. By saving Sarajevo and Bosnia-Hercegovina, we can achieve the promise of a very different and much more hopeful world.

ADAMHA REORGANIZATION ACT—CONFERENCE REPORT

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, following discussion with the distinguished Senator from Florida, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany S. 1306; that Senator GRAHAM of Florida then be recognized to move to recommit the conference report; that I then be recognized to send a cloture motion to the desk; that the Senate resume consideration of the conference report on Tuesday, June 9, at 9:30 a.m., and that there be 3 hours for debate on the motion to recommit equally divided and controlled between Senators GRAHAM and KENNEDY or their designees; that the Senate stand in recess from 12:30 p.m. until 2:15 for the two party luncheon conferences; that at 2:15 p.m. Senator KENNEDY be recognized to move to table the Graham motion to recommit; that if the motion to recommit is tabled, the Senate vote on the motion to invoke cloture on the conference report without any intervening action or debate and with the live quorum required under rule XXII being waived; that if the motion to recommit is not tabled, the Senate proceed to vote on the Graham motion to recommit without any intervening action or debate; and that following the disposition of the conference report to accompany S. 1306, the Senate proceed to the consideration of Calendar No. 164, S. 55.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MOTION TO RECOMMIT

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, pursuant to the unanimous consent agreement, I send to the desk a motion to recommit.

The PRESIDING OFFICER. The clerk will read the motion.

The assistant legislative clerk read as follows:

MOTION TO RECOMMIT TO CONFERENCE

Mr. President: I move to recommit to the Committee on Conference the conference report on the bill S. 1306, to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse and Mental Health Administration, and for other purposes, with instructions to the Managers on the part of the Senate as follows: That the Managers on the part of the Senate insist on including in the bill a provision stating that the formula for allotting funds under part B of title XIX of the Public Health Service Act (as such title is amended by such S. 1306) shall become effective beginning with amounts made available for allotment under such title on the first day of fiscal year 1993.

Mr. GRAHAM. Mr. President, I offer a motion to recommit this conference report to the conferees.

The conferees should be required to look again at the effective date of the funding formula.

The House voted on May 28 to recommit the bill to the conferees, with instructions addressing other concerns about the bill.

The RECORD will show clearly that many of the votes cast in the House to recommit the bill were cast based on the unfairness of the funding formula effective date.

Yet, the conferees did not address this issue.

I asked for an opportunity to address conferees to offer our case and some compromises, but my request was denied.

In fact, it was never even answered.

The motion to recommit instructs the conferees to address the formula issue and direct that they change the effective date so that the new formula is applicable at the beginning of fiscal year 1993, this October 1.

It is only fair that States be allowed to proceed with those expenditures that were authorized to be allocated at the beginning of the fiscal year by statute.

Some will argue that the States were warned that this legislation was in the pipeline and not to count on the allocation being certain.

Mr. President, this sets a very serious precedent.

As a former Governor, I can attest to the difficulty of developing a balanced State budget given the numerous uncontrollable factors.

But to begin telling States not to count on a certain level of Federal funding at the beginning of a fiscal year because Congress may or may not change the law, this is absurd.

It will reak havoc with State's ability to budget.

What if the American taxpayers told the Federal Government—we know we are supposed to hand over a certain amount in taxes this year for you to provide services, but at the last minute we may decide not to.

The Federal Government could not operate this way.

The States should not have to either.

This bill is a breach of faith with the States of Florida, Texas, Nevada, Virginia, California, Arizona, Colorado, Delaware, and Maryland.

Congress should not be able to wave its magic wand and take back money in the middle of the year the law has already promised would be allocated.

I urge Senators to object to this precedent setting action, and to support the motion to recommit.

The PRESIDING OFFICER. The majority leader is recognized.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I now send a cloture motion to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany S. 1306, the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act:

Edward M. Kennedy, J. Lieberman, J.R. Biden, Jr., Patrick Leahy, Claiborne Pell, Howard Metzenbaum, D. Pryor, Alan Cranston, Bob Kerrey, Paul Wellstone, Christopher Dodd, Brock Adams, Harry Reid, Daniel P. Moynihan, Paul Simon, John Glenn.

Mr. MITCHELL. Mr. President, I thank the Senator from Florida for his cooperation in resolving this matter. There will be no further rollcall votes this evening. The Senate will be in session on a pro forma basis only tomorrow. There will be no session on Monday. The Senate will return to session on Tuesday morning and will return to consideration of the conference report to accompany S. 1306 at 9:30 a.m. There will be a vote at or about 2:15 p.m. on next Tuesday on the motion by Senator KENNEDY to table the Graham motion to recommit the conference report.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair.

(The remarks of Mr. LEVIN pertaining to the submission of Senate Resolution 306 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LETTER SENT TO PRESIDENT BUSH REGARDING V-22 AIRCRAFT

Mr. SPECTER. Mr. President, today, a letter signed by 40 U.S. Senators was forwarded to the President concerning the V-22 tiltrotor aircraft, which has been approved by the Congress of the United States in legislation signed by the President, but which has not been acted upon by the Department of Defense.

This craft supplies very significant defense needs. In the era where existing helicopters are insufficient, the tiltrotor craft, the V-22, presents the unusual technology of an airplane which rises like a helicopter and moves forward like a fixed-wing craft. It has been supported by the leading proponents of Defense, by the Marines, and by the Navy, because it would be a useful tool for rapid deployment. It also has unique characteristics for civilian deployment.

Beyond that, as candidly stated, there are serious considerations in my State in terms of job opportunities. Nonetheless, the V-22 tiltrotor has been advanced in terms of what it can do on national defense, and it has been budgeted within existing programs.

My colleague, Congressman CURT WELDON, who represents Delaware County, has been a forceful leader on this issue in the House of Representatives. Others of my colleagues, not from Pennsylvania, who serve with me on the Defense Appropriations Subcommittee, have taken the position that they would not vote for a defense appropriations bill that excluded the V-22 tiltrotor aircraft. I think it is important to note, albeit briefly, the action which has been taken by 40 U.S. Senators. Had we taken longer, I think additional Senators' signatures could have been obtained. It is our hope that this will be resolved without the necessity of further congressional action.

Mr. President, I ask unanimous consent that the full text of this letter, with the 40 signatures, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 4, 1992.

Hon. GEORGE BUSH,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As you know, in the fiscal years 1990, 1991, and 1992 Defense Authorization and Appropriations bills, Congress continued strong support and funding for the V-22 tiltrotor aircraft. And, once again, the Department of Defense has refused to obligate the funds appropriated for the program.

Each year, Congressional support for the V-22 has grown significantly as it has become increasingly clear that tiltrotor represents a national transportation asset and a national economic asset.

The V-22 was initiated as a true joint services program and has been shown by numerous studies to be the most cost-effective way to meet a number of current critical military needs of the United States' "911" military forces in today's new world order, the Marine Corps and the Special Operations Forces.

Mr. President, as important as the military needs are, it is the potential civil application of tiltrotor technology and the export potential of this technology by the United States that makes it a national transportation and economic asset that must not be lost.

NASA/FAA studies have shown the potential for tiltrotor technology to revolutionize air travel and have also shown large potential domestic and foreign markets for tiltrotor aircraft.

This is an American technology. A 1991 Office of Technology Assessment study concluded that the United States has currently about a five-year lead in tiltrotor development. Yet, as the U.S. government continues to second-guess our own ingenuity, a Japanese company, Ishida, now has a facility in Texas to develop and build a tiltwing aircraft; and a European Consortium, EuroFar, has been established to develop a tiltrotor aircraft for Europe.

As we deal with reductions in defense budgets, in military force structure, and in the defense industrial base, the V-22 is exactly the type of dual-use technology we should be aggressively pursuing. Additionally, it is the type of program that exemplifies your National Technology Initiative. As we look for ways to convert segments of the defense industry, the V-22 and tiltrotor technology offer built-in economic conversion from military to commercial tiltrotor aircraft. Moreover, as we deal with our large trade imbalance, we have in this technology the ability to maintain our country's world leadership in aerospace.

The benefits of tiltrotor technology for the United States are real: military, economic, and transportation. However, there must be a military V-22 first, just as there was a military helicopter first and just as there was a military jet engine first. It must be first to allow the civil infrastructure to be put in place, but more importantly, it must be first to convince domestic carriers and foreign investors that the United States is committed to tiltrotor technology.

Mr. President, it is time to end the impasse. We urge you to begin working with the Congress on continuing the V-22 and tiltrotor technology, for sound military reasons, for sound transportation reasons, and for sound economic reasons. Let us not lose this national asset.

Sincerely,

Arlen Specter, John Glenn, Harris Wofford, Richard Bryan, Alan Cranston, Lloyd Bentsen, John Seymour, John McCain, John Chafee, Alfonse D'Amato.

Dennis DeConcini, Slade Gorton, Mark Hatfield, Connie Mack, Steve Symms, Larry Craig, Frank Lautenberg, Richard G. Lugar, Wendell Ford, Tom Harkin.

Patrick Leahy, Terry Sanford, Dan Coats, Thomas A. Daschle, David L. Boren, Conrad Burns, Orrin G. Hatch, Robert W. Kasten, Jr., Jake Garn, John B. Breaux.

Wyche Fowler, Jr., Bob Packwood, Thad Cochran, James M. Jeffords, J. Bennett Johnston, Daniel K. Akaka, John D. Rockefeller, IV, Jesse Helms, Pete Domenici, Warren Rudman.

SUMMER YOUTH JOBS

Mr. SPECTER. Mr. President, I would like to comment about the pending supplemental appropriations bill which is now the subject of a conference between the House and the Senate. The legislation is directed at a number of important issues, foremost among them an effort to provide summer youth jobs.

Following the incidents in Los Angeles, I have met with a number of may-

ors from my State and from other States. There is a consensus that the top of the priority list for immediate aid to the cities is summer youth jobs. Mayor Raymond Flynn, of Boston, put it most succinctly when he said that—speaking for his city, Boston—"the most important item to keep the lid on was to take care of kids and cops."

The proposals which are now pending in the conference committee would add $675 million, which would be enough, illustratively, to provide an additional 5,000 youths for summer jobs in Philadelphia. The question remains unresolved, as our conference just concluded, as to how the formula for the provision of these funds would be worked out. But I think we took a significant step forward in this conference, which I am hopeful will be concluded tomorrow. We adjourned a few minutes ago at the call of the Chair.

It is our hope and plan that this legislation would be cleared by Congress promptly, perhaps by next week, so that it can go to the desk of the President, so that these funds can be appropriated yet in June of this year to take care of the very serious problems that are posed by the coming summer. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COPYRIGHT AMENDMENTS ACT

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 756.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 756) entitled "An Act to amend title 17, United States Code, the copyright renewal provisions, and for other purposes," do pass with an amendment.

Strike all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Amendments Act of 1992".

TITLE I—RENEWAL OF COPYRIGHT

SEC. 101. SHORT TITLE.

This title may be referred to as the "Copyright Renewal Act of 1992".

SEC. 102. COPYRIGHT RENEWAL PROVISIONS.

(a) DURATION OF COPYRIGHT: SUBSISTING COPYRIGHTS.—Section 304(a) of title 17, United States Code, is amended to read as follows:

"(a) COPYRIGHTS IN THEIR FIRST TERM ON JANUARY 1, 1978.—(1)(A) Any copyright, the first term of which is subsisting on January 1, 1978, shall endure for 28 years from the date it was originally secured.

"(B) In the case of—

"(i) any posthumous work or of any periodical, cyclopedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or

"(ii) any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire,

the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of 47 years.

"(C) In the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopedic or other composite work—

"(i) the author of such work, if the author is still living,

"(ii) the widow, widower, or children of the author, if the author is not living,

"(iii) the author's executors, if such author, widow, widower, or children are not living, or

"(iv) the author's next of kin, in the absence of a will of the author,

shall be entitled to a renewal and extension of the copyright in such work for a further term of 47 years.

"(2)(A) At the expiration of the original term of copyright in a work specified in paragraph (1)(B) of this subsection, the copyright shall endure for a renewed and extended further term of 47 years, which—

"(i) if an application to register a claim to such further term has been made to the Copyright Office within 1 year before the expiration of the original term of copyright, and the claim is registered, shall vest, upon the beginning of such further term, in the proprietor of the copyright who is entitled to claim the renewal of copyright at the time the application is made; or

"(ii) if no such application is made or the claim pursuant to such application is not registered, shall vest, upon the beginning of such further term, in the person or entity that was the proprietor of the copyright as of the last day of the original term of copyright.

"(B) At the expiration of the original term of copyright in a work specified in paragraph (1)(C) of this subsection, the copyright shall endure for a renewed and extended further term of 47 years, which—

"(i) if an application to register a claim to such further term has been made to the Copyright Office within 1 year before the expiration of the original term of copyright, and the claim is registered, shall vest, upon the beginning of such further term, in any person who is entitled under paragraph (1)(C) to the renewal and extension of the copyright at the time the application is made; or

"(ii) if no such application is made or the claim pursuant to such application is not registered, shall vest, upon the beginning of such further term, in any person entitled under paragraph (1)(C), as of the last day of the original term of copyright, to the renewal and extension of the copyright.

"(3)(A) An application to register a claim to the renewed and extended term of copyright in a work may be made to the Copyright Office—

"(i) within 1 year before the expiration of the original term of copyright by any person entitled under paragraph (1)(B) or (C) to such further term of 47 years; and

"(ii) at any time during the renewed and extended term by any person in whom such further term vested, under paragraph (2)(A) or (B), or by any successor or assign of such person, if the application is made in the name of such person.

"(B) Such an application is not a condition of the renewal and extension of the copyright in a work for a further term of 47 years.

"(4)(A) If an application to register a claim to the renewed and extended term of copyright in a work is not made within 1 year before the expiration of the original term of copyright in a work, or if the claim pursuant to such application is not registered, then a derivative work prepared under authority of a grant of a transfer or license of the copyright that is made before the expiration of the original term of copyright may continue to be used under the terms of the grant during the renewed and extended term of copyright without infringing the copyright, except that such use does not extend to the preparation during such renewed and extended term of other derivative works based upon the copyrighted work covered by such grant.

"(B) If an application to register a claim to the renewed and extended term of copyright in a work is made within 1 year before its expiration, and the claim is registered, the certificate of such registration shall constitute prima facie evidence as to the validity of the copyright during its renewed and extended term and of the facts stated in the certificate. The evidentiary weight to be accorded the certificates of a registration of a renewed and extended term of copyright made after the end of that 1-year period shall be within the discretion of the court.".

(b) REGISTRATION.—(1) Section 409 of title 17, United States Code, is amended by adding at the end the following:

"If an application is submitted for the renewed and extended term provided for in section 304(a)(3)(A) and an original term registration has not been made, the Register may request information with respect to the existence, ownership, or duration of the copyright for the original term.".

(2) Section 101 of title 17, United States Code, is amended by inserting after the definition of "publication" the following:

"Registration", for purposes of sections 205(c)(2), 405, 406, 410(d), 411, 412, and 506(e), means a registration of a claim in the original or the renewed and extended term of copyright.".

(c) LEGAL EFFECT OF RENEWAL OF COPYRIGHT UNCHANGED.—The renewal and extension of a copyright for a further term of 47 years provided for under paragraphs (1) and (2) of section 304(a) of title 17, United States Code, (as amended by subsection (a) of this section) shall have the same effect with respect to any grant, before the effective date of this section, of a transfer or license of the further term as did the renewal of a copyright before the effective date of this section under the law in effect at the time of such grant.

(d) CONFORMING AMENDMENT.—Section 304(c) of title 17, United States Code, is amended in the matter preceding paragraph (1) by striking "second proviso of subsection (a)" and inserting "subsection (a)(1)(C)".

(e) REGISTRATION PERMISSIVE.—Section 408(a) of title 17, United States Code, is amended by striking "At" and all that follows through "unpublished work," and inserting "At any time during the subsistence of the first term of copyright in any published or unpublished work in which the copyright was secured before January 1, 1978, and during the subsistence of any copyright secured on or after that date,".

(f) COPYRIGHT OFFICE FEES.—Section 708(a)(2) of title 17, United States Code, is amended—

(1) by striking "in its first term"; and

(2) by striking "$12" and inserting "$20".

(g) EFFECTIVE DATE; COPYRIGHTS AFFECTED BY AMENDMENT.—(1) Subject to paragraphs (2) and (3), this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by this section shall apply only to those copyrights secured between January 1, 1964, and December 31, 1977. Copyrights secured before January 1, 1964, shall be governed by the provisions of section 304(a) of title 17, United States Code, as in effect on the day before the effective date of this section.

(3) This section and the amendments made by this section shall not affect any court proceedings pending on the effective date of this section.

TITLE II—NATIONAL FILM PRESERVATION

SEC. 201. SHORT TITLE.

This title may be cited as the "National Film Preservation Act of 1992".

SEC. 202. NATIONAL FILM REGISTRY OF THE LIBRARY OF CONGRESS.

The Librarian of Congress (hereinafter in this title referred to as the "Librarian") shall establish a National Film Registry pursuant to the provisions of this title, for the purpose of maintaining and preserving films that are culturally, historically, or aesthetically significant.

SEC. 203. DUTIES OF THE LIBRARIAN OF CONGRESS.

(a) STUDY OF FILM PRESERVATION.—(1) The Librarian shall, after consultation with the Board established pursuant to section 204, conduct a study on the current state of film preservation and restoration activities, including the activities of the Library of Congress and the other major film archives in the United States. The Librarian shall, in conducting the study—

(A) take into account the objectives of the national film preservation program set forth in clauses (i) through (iii) of subsection (b)(1)(A); and

(B) consult with film archivists, educators and historians, copyright owners, film industry representatives, including those involved in the preservation of film, and others involved in activities related to film preservation.

The study shall include an examination of the concerns of private organizations and individuals involved in the collection and use of abandoned films such as training, educational, and other historically important films.

(2) Not later than 1 year after the date of the enactment of this Act, the Librarian shall submit to the Congress a report containing the results of the study conducted under paragraph (1).

(b) POWERS.—(1) The Librarian shall, after consultation with the Board, do the following:

(A) After completion of the study required by subsection (a), the Librarian shall, taking into account the results of the study, establish a comprehensive national film preservation program for motion pictures, in conjunction with other film archivists and copyright owners. The objectives of such a program shall include—

(i) coordinating activities to assure that efforts of archivists and copyright owners, and others in the public and private sector, are effective and complementary;

(ii) generating public awareness of and support for those activities; and

(iii) increasing accessibility of films for educational purposes, and improving nationwide activities in the preservation of works in other media such as videotape.

(B) The Librarian shall establish guidelines and procedures under which films may be included in the National Film Registry, except that no film shall be eligible for inclusion in the National Film Registry until 10 years after such film's first publication.

(C) The Librarian shall establish procedures under which the general public may make recommendations to the Board regarding the inclusion of films in the National Film Registry.

(D) The Librarian shall establish procedures for the examination by the Librarian of prints of films named for inclusion in the National Film Registry to determine their eligibility for the use of the seal of the National Film Registry under paragraph (3).

(E) The Librarian shall determine which films satisfy the criteria established under subparagraph (B) and qualify for inclusion in the National Film Registry, except that the Librarian shall not select more than 25 films each year for inclusion in the Registry.

(2) The Librarian shall publish in the Federal Register the name of each film that is selected for inclusion in the National Film Registry.

(3) The Librarian shall provide a seal to indicate that a film has been included in the National Film Registry and is the Registry version of that film.

(4) The Librarian shall publish in the Federal Register the criteria used to determine the Registry version of a film.

(5) The Librarian shall submit to the Congress a report, not less than once every two years, listing films included in the National Film Registry and describing the activities of the Board.

(c) SEAL.—The seal provided under subsection (b)(3) may be used on any copy of the Registry version of a film. Such seal may be used only after the Librarian has examined and approved the print from which the copy was made. In the case of copyrighted works, only the copyright owner or an authorized licensee of the copyright may place or authorize the placement of the seal on a copy of a film selected for inclusion in the National Film Registry, and the Librarian may place the seal on any print or copy of the film that is maintained in the National Film Registry Collection of the Library of Congress. The person authorized to place the seal on a copy of a film selected for inclusion in the National Film Registry may accompany such seal with the following language: "This film is included in the National Film Registry, which is maintained by the Library of Congress, and was preserved under the National Film Preservation Act of 1992.".

(d) DEVELOPMENT OF STANDARDS.—The Librarian shall develop standards or guidelines by which to assess the preservation or restoration of films that will qualify films for use of the seal under this section.

SEC. 204. NATIONAL FILM PRESERVATION BOARD.

(a) NUMBER AND APPOINTMENT.—(1) The Librarian shall establish in the Library of Congress a National Film Preservation Board to be comprised of up to 18 members, who shall be selected by the Librarian in accordance with the provisions of this section. Subject to subparagraphs (C) and (O), the Librarian shall request each organization listed in subparagraphs (A) through (P) to submit to the Librarian a list of not less than 3 candidates qualified to serve as a member of the Board. Except for the members-at-large appointed under paragraph (2), the Librarian shall appoint 1 member from each such list submitted by such organizations, and shall designate from that list an alternate who may attend those meetings to which the individual appointed to the Board cannot attend. The organizations are the following:

(A) The Academy of Motion Pictures Arts and Sciences.

(B) The Directors Guild of America.

(C) The Writers Guild of America. The Writers Guild of America East and the Writers Guild of America West shall each nominate not less than 3 candidates, and a representative from 1 such organization shall be selected as the member and a representative from the other such organization as the alternate.

(D) The National Society of Film Critics.

(E) The Society for Cinema Studies.

(F) The American Film Institute.

(G) The Department of Theatre, Film and Television of the College of Fine Arts at the University of California, Los Angeles.

(H) The Department of Film and Television of the Tisch School of the Arts at New York University.

(I) The University Film and Video Association.

(J) The Motion Picture Association of America.

(K) The National Association of Broadcasters.

(L) The Alliance of Motion Picture and Television Producers.

(M) The Screen Actors Guild of America.

(N) The National Association of Theater Owners.

(O) The American Society of Cinematographers and the International Photographers Guild, which shall jointly submit 1 list of candidates from which a member and alternate will be selected.

(P) The United States members of the International Federation of Film Archives.

(2) In addition to the Members appointed under paragraph (1), the Librarian shall appoint up to 2 members-at-large. The Librarian shall select the at-large members from names submitted by organizations in the film industry, creative artists, producers, film critics, film preservation organizations, academic institutions with film study programs, and others with knowledge of copyright law and of the importance, use, and dissemination of films. The Librarian shall, in selecting 1 such member-at-large, give preference to individuals who are responsible for commercial film libraries. The Librarian shall also select from the names submitted under this paragraph an alternate for each member-at-large, who may attend those meetings to which the member-at-large cannot attend.

(b) CHAIRPERSON.—The Librarian shall appoint 1 member of the Board to serve as Chairperson.

(c) TERM OF OFFICE.—(1) The term of each member of the Board shall be 3 years, except that there shall be no limit to the number of terms that any individual member may serve.

(2) A vacancy on the Board shall be filled in the manner in which the original appointment was made under subsection (a), except that the Librarian may fill the vacancy from a list of candidates previously submitted by the organization or organizations involved. Any member appointed to fill a vacancy before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term.

(d) QUORUM.—9 members of the Board shall constitute a quorum but a lesser number may hold hearings.

(e) BASIC PAY.—Members of the Board shall serve without pay. While away from their

homes or regular places of business in the performance of functions of the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5701 of title 5, United States Code.

(f) MEETINGS.—The Board shall meet at least once each calendar year. Meetings shall be at the call of the Librarian.

(g) CONFLICT OF INTEREST.—The Librarian shall establish rules and procedures to address any potential conflict of interest between a member of the Board and the responsibilities of the Board.

SEC. 205. RESPONSIBILITIES AND POWERS OF BOARD.

(a) IN GENERAL.—The Board shall review nominations of films submitted to it for inclusion in the National Film Registry and shall consult with the Librarian, as provided in section 203, with respect to the inclusion of such films in the Registry and the preservation of these and other films that are culturally, historically, or aesthetically significant.

(b) NOMINATION OF FILMS.—The Board shall consider, for inclusion in the National Film Registry, nominations submitted by the general public as well as representatives of the film industry, such as the guilds and societies representing actors, directors, screenwriters, cinematographers and other creative artists, producers, film critics, film preservation organizations, and representatives of academic institutions with film study programs. The Board shall nominate not more than 25 films each year for inclusion in the Registry.

(c) GENERAL POWERS.—The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Librarian and the Board considers appropriate.

SEC. 206. NATIONAL FILM REGISTRY COLLECTION OF THE LIBRARY OF CONGRESS.

(a) ACQUISITION OF ARCHIVAL QUALITY COPIES.—The Librarian shall endeavor to obtain, by gift from the owner, an archival quality copy of the Registry version of each film included in the National Film Registry. Whenever possible, the Librarian shall endeavor to obtain the best surviving materials, including preprint materials.

(b) ADDITIONAL MATERIALS.—The Librarian shall endeavor to obtain, for educational and research purposes, additional materials related to each film included in the National Film Registry, such as background materials, production reports, shooting scripts (including continuity scripts) and other similar materials.

(c) PROPERTY OF UNITED STATES.—All copies of films on the National Film Registry that are received by the Librarian and other materials received by the Librarian under subsection (b) shall become the property of the United States Government, subject to the provisions of title 17, United States Code.

(d) NATIONAL FILM REGISTRY COLLECTION.—All copies of films on the National Film Registry that are received by the Librarian and other materials received by the Librarian under subsection (b) shall be maintained in a special collection in the Library of Congress to be known as the "National Film Registry Collection of the Library of Congress". The Librarian shall, by regulation, and in accordance with title 17, United States Code, provide for reasonable access to films in such collection for scholarly and research purposes.

SEC. 207. SEAL OF THE NATIONAL FILM REGISTRY.

(a) USE OF THE SEAL.—(1) No person shall knowingly distribute or exhibit to the public a version of a film which bears the seal described in section 203(b)(3) if such film—

(A) is not included in the National Film Registry; or

(B) is included in the National Film Registry, but such copy was not made from a print that was examined and approved for the use of the seal by the Librarian under section 203(c).

(2) No person shall knowingly use the seal described in section 203(b)(3) to promote any version of a film other than a Registry version.

(b) EFFECTIVE DATE OF THE SEAL.—The use of the seal described in section 203(b)(3) shall be effective for each film after the Librarian publishes in the Federal Register the name of that film as selected for inclusion in the National Film Registry.

SEC. 208. REMEDIES.

(a) JURISDICTION.—The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of section 207(a).

(b) RELIEF.—(1) Except as provided in paragraph (2), relief for a violation of section 207(a) shall be limited to the removal of the seal of the National Film Registry from the film involved in the violation.

(2) In the case of a pattern or practice of the willful violation of section 207(a), the United States district courts may order a civil fine of not more than $10,000 and appropriate injunctive relief.

SEC. 209. LIMITATIONS OF REMEDIES.

The remedies provided in section 208 shall be the exclusive remedies under this title, or any other Federal or State law, regarding the use of the seal described in section 203(b)(3).

SEC. 210. STAFF OF BOARD; EXPERTS AND CONSULTANTS.

(a) STAFF.—The Librarian may appoint and fix the pay of such personnel as the Librarian considers appropriate to carry out this title.

(b) EXPERTS AND CONSULTANTS.—The Librarian may, in carrying out this title, procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for GS–15 of the General Schedule. In no case may a member of the Board be paid as an expert or consultant under such section.

SEC. 211. DEFINITIONS.

As used in this title—

(1) the term "Librarian" means the Librarian of Congress;

(2) the term "Board" means the National Film Preservation Board;

(3) the term "film" means a "motion picture" as defined in section 101 of title 17, United States Code, except that such term does not include any work not originally fixed on film stock, such as a work fixed on videotape or laser disks;

(4) the term "publication" means "publication" as defined in section 101 of title 17, United States Code; and

(5) the term "Registry version" means, with respect to a film, the version of the film first published, or as complete a version as the bona fide preservation and restoration activities by the Librarian, an archivist other than the Librarian, or the copyright owner can compile in those cases where the original material has been irretrievably lost.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Librarian such sums as are necessary to carry out the provisions of this title, but in no fiscal year shall such sum exceed $250,000.

SEC. 213. EFFECTIVE DATE.

The provisions of this title shall be effective for four years beginning on the date of the enactment of this Act. The provisions of this title shall apply to any copy of any film, including those copies of films selected for inclusion in the National Film Registry under the National Film Preservation Act of 1988, except that any film so selected under such Act shall be deemed to have been selected for the National Film Registry under this title.

SEC. 214. REPEAL.

The National Film Preservation Act of 1988 (2 U.S.C. 178 and following) is repealed.

TITLE III—OTHER COPYRIGHT PROVISIONS

SEC. 301. REPEAL OF COPYRIGHT REPORT TO CONGRESS.

Section 108(i) of title 17, United States Code, is repealed.

Mr. FORD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CRIMINAL SANCTIONS FOR VIOLATION OF SOFTWARE COPYRIGHT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 437, S. 893, a bill to amend title 18, United States Code, to impose criminal sanctions for the violation of software copyright.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 893) to amend title 18, United States Code, to impose criminal sanctions for violation of software copyright.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1868

(Purpose: Technical correction)

Mr. SPECTER. Mr. President, on behalf of Senator HATCH, I send a technical amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. HATCH, proposes an amendment numbered 1868.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 2, line 25, strike "49" and insert "50".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1868) was agreed to.

Mr. HATCH Mr. President, I am pleased that the Senate is acting today on S. 893, which I introduced last year. This bill will, if enacted into law, provide a strong tool for prosecutors who seek to limit the growing problem of computer software piracy.

In 1982, Congress provided strong criminal penalties for persons involved in the unauthorized production or distribution of multiple copies of phonorecords, sound recordings, and motion pictures. It is my understanding that this law, the criminal infringement of copyright statute found at 18 U.S.C. 2319, has worked well since its enactment. S. 893 provides the same recognition that the large-scale, commercially oriented copying of computer programs should be treated as a criminal offense.

The willful infringement of copyright in computer software programs is a widespread practice that is threatening the U.S. software industry. The easy accessibility of computer programs distributed in magnetic media format, together with distribution of popular applications programs, has led to persistent large-scale copying of these programs. Studies indicate that for every authorized copy of software programs in circulation, there is an illegal copy also in circulation. Losses to the personal computer software industry from all illegal copying were estimated to be $1.6 billion in 1989. If we do not address the piracy of these programs, we may soon see a decline in this vibrant and important sector of our economy.

Not only is the software industry seriously damaged, but the public is also victimized by these acts of piracy. The consumer is paying full price for a product which he believes is legitimate. However, not only may there be imperfections in the actual reproduction, but the quality of the product is often lower as a result of cheap equipment. Furthermore, the consumer is ineligible for the important support and backup services typically offered by the software publisher.

As noted during the 1982 hearings on increasing the penalties for illegal copying of records, sound recordings and motion pictures, stiffer penalties toward piracy do act as a deterrent to these types of crimes. I am confident that the enactment today of these new penalties for large-scale violation of copyright in computer software will have a similar deterrent effect.

Currently there is no differentiation in penalties between small and large acts of piracy. Because acts of software piracy are only misdemeanors for the first offense, prosecutors are deterred from prosecuting, and there is little deterrence for these criminal acts. The current penalties in these software cases are far too lenient as compared to other theft and forgery statutes for other schemes which are also very lucrative.

Under the language of S. 893, a person involved in software piracy will be subject to a fine of up to $250,000 and imprisonment of up to 5 years if the offense involves the reproduction or distribution of at least 50 copies in 1 or more computer programs during any 180-day period. For offenses involving more than 10 but less that 50 copies, the penalties will include a fine of up to $250,000 or imprisonment of up to 2 years.

This provision was adopted by a unanimous voice vote of the Senate when it was proposed last year as part of the crime bill. When it was considered last fall as a separate bill by the Senate Judiciary Committee, it was also approved by unanimous vote. By enacting S. 893 today as a separate bill, we increase the likelihood that this legislation will become law and that the serious problem of unauthorized computer software copying will be brought under some degree of control.

The PRESIDING OFFICER. Without objection, the bill is deemed to have been read three times and passed.

So the bill (S. 893) was deemed passed, as follows:

S. 893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2319(b)(1) of title 18, United States Code, is amended—

(1) in paragraph (B) by striking "or" after the semicolon;

(2) redesignating paragraph (C) as paragraph (D);

(3) by adding after paragraph (B) the following:

"(C) involves the reproduction or distribution, during any 180-day period, of at least 50 copies infringing the copyright in one or more computer programs (including any tape, disk, or other medium embodying such programs); or";

(4) in new paragraph (D) by striking "or" after "recording,"; and

(5) in new paragraph (D) by adding ", or a computer program", before the semicolon.

(b) Section 2319(b)(2) of title 18, United States Code, is amended—

(1) in paragraph (A) by striking "or" after the semicolon;

(2) in paragraph (B) by striking "and" at the end thereof and inserting "or"; and

(3) by adding after paragraph (B) the following:

"(C) involves the reproduction or distribution, during any 180-day period, of more than 10 but less than 50 copies infringing the copyright in one or more computer programs (including any tape, disk, or other medium embodying such programs); and".

(c) Section 2319(c) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "and" after the semicolon;

(2) in paragraph (2) by striking the period at the end thereof and inserting "; and"; and

(3) by adding at the end thereof the following:

"(3) the term 'computer program' has the same meaning as set forth in section 101 of title 17, United States Code.".

Mr. SPECTER. Mr. President, I move to reconsider the vote by which the bill as amended was passed.

Mr. FORD. I move to lay that motion on the table.

The motion was agreed to.

ORDER TO PRINT S. 1671

Mr. FORD. Mr. President, I ask unanimous consent that S. 1671, Waste Isolation Pilot Plant, be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE FIRST INFANTRY DIVISION ON ITS 75TH BIRTHDAY

Mr. SPECTER. I send a resolution to the desk and ask for its immediate consideration to commend the 1st Infantry.

The PRESIDING OFFICER. The clerk will state the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 305) to commend the 1st Infantry Division (MECH) on its 75th anniversary.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, thousands of current and former members of the 1st Infantry Division will celebrate the 75th anniversary commemoration of the "Big Red One" at Fort Riley, KS, on June 7 and 8.

I offer this resolution commending the 1st Infantry Division for its 75 years of service in the defense of freedom. For 75 years, the 1st Division distinguished itself as America's premier fighting force and earned the title "Big Red One" for being the first called when freedom was challenged.

The 1st Infantry Division began its storied history by landing in France on June 24, 1917. After the war, the Big Red One remained on occupation duty for 10 months, returning to America in the fall of 1919.

In July 1942 the 1st Division left for Great Britain and did not return home for 13 years. On D-day and the days that followed, the Big Red One helped clear a vital beachhead for allied equipment and at one point during World War II, the 1st Division amassed a total of nearly 6 months of continuous battle with the enemy. The 1st Division ended the war in Czechoslovakia and remained in Germany as occupational troops. Then as partners in NATO, they protected Europe, coming home to Fort Riley, KS, in 1955.

In the 1960's the Big Red One was the first division committed to combat in Vietnam. The 1st Division gave 5 years of service in Southeast Asia fighting a brutal war and training the people of

South Vietnam to help themselves. Following Vietnam, the 1st Division again returned home to Fort Riley.

Most recently, the Big Red One answered the call once again. The soldiers of the 1st Division distinguished themselves as the finest fighting force in the world by decimating Saddam Hussein's vaunted Republican Guard. They were the first American troops to enter Iraq during the Persian Gulf war.

From "Black Jack" Pershing to the heroes of Desert Storm, the Big Red One has always been the first to answer the call. Their motto tells it all: "No mission too difficult, no sacrifice too great—duty first."

I urge my colleagues to join me in commending the Big Red One and urge the adoption of this resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 305) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 305

Whereas, the 1st Infantry Division (MECH), Fort Riley, Kansas, will celebrate its 75th anniversary on June 8, 1992; and

Whereas, the "Big Red One" has a long history of being "first," which began in June 1917 when General John "Black Jack" Pershing arrived in France with the first American Expeditionary Force, and was renamed the 1st Infantry Division, and

Whereas, names like St. Michel and the Argonne Forest will forever be associated with the gallant story of the "Fighting First," and

Whereas, the distinction of being first is a tradition the division has carried for 75 years; and

Whereas, the list of firsts for the Big Red One includes; First in France in World War I; first Americans in combat World War I; first to reach England in World War II; first Americans to encounter Germans in North Africa and Sicily; first Americans on the beaches at Normandy on D-Day, June 6, 1944; first to capture a major German city in World War II when the city of Aachen fell after a bitter fight; first division committed to Vietnam in the summer of 1965; and most recently, the first division to enter Iraq during Operation Desert Storm; and

Whereas, all Americans are proud that the Big Red One continues its defense of America by training in the heartland of America and heartily endorse its motto: No mission too difficult, no sacrifice too great, duty first: Now, therefore be it

Resolved, That the United States Senate commends the "Big Red One" on its 75th anniversary and formally recognizes its long and historic contribution to freedom.

Mr. SPECTER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of Calendar Nos. 439, 469, 474, 475, and 477; that the committee amendments, where appropriate, be agreed to; that the bills be deemed read three times and passed; that the motion to reconsider the passage of these items be laid upon the table en bloc; that the consideration of these items appear individually in the RECORD; and any statements appear at the appropriate place.

Mr. SPECTER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF MICHAEL WU

The bill (H.R. 1917) for the relief of Michael Wu, was deemed read the third time, and passed.

PALO ALTO BATTLEFIELD NATIONAL HISTORIC SITE ACT OF 1992

The bill (H.R. 1642) to establish in the State of Texas the Palo Alto Battlefield National Historic Site, and for other purposes was considered, deemed read the third time, and passed.

MARSH-BILLINGS NATIONAL HISTORICAL PARK ESTABLISHMENT ACT

So, the bill (S. 2079) to establish the Marsh-Billings National Historical Park in the State of Vermont, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marsh-Billings National Historical Park Establishment Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to interpret the history and evolution of conservation stewardship in America;

(2) to recognize and interpret the contributions and birthplace of George Perkins Marsh, pioneering environmentalist, author of Man and Nature, statesman, lawyer, and linguist;

(3) to recognize and interpret the contributions of Frederick Billings, conservationist, pioneer in reforestation and scientific farm management, lawyer, philanthropist, and railroad builder, who extended the principles of land management introduced by Marsh;

(4) to preserve the Marsh-Billings Mansion and its surrounding lands;

(5) to recognize the significant contributions of Julia Billings, Mary Billings French, Mary French Rockefeller, and Laurance Spelman Rockefeller in perpetuating the Marsh-Billings heritage.

SEC. 3. ESTABLISHMENT OF MARSH-BILLINGS NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—There is established as a unit of the National Park System the Marsh-Billings National Historical Park in Windsor County, Vermont (hereafter in this Act referred to as the "park").

(b) BOUNDARIES AND MAP.—(1) The park shall consist of an historic zone, including the Marsh-Billings Mansion, surrounding buildings and a portion of the area known as "Mt. Tom", comprising approximately 555 acres, and a protection zone, including the areas presently occupied by the Billings Farm and Museum, comprising approximately 88 acres, all as generally depicted on the map entitled "Marsh-Billings National Historical Park Boundary Map" and dated November 19, 1991.

(2) The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

SEC. 4. ADMINISTRATION OF PARK.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall administer the park in accordance with this Act, and laws generally applicable to units of the National Park System, including, but not limited to—

(1) the Act entitled "An Act to establish a National Park Service, and for other purposes, approved August 25, 1916 (16 U.S.C. 1, 2–4); and

(2) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) ACQUISITION OF LANDS.—(1) Except as provided in paragraph (2), the Secretary is authorized to acquire lands or interests therein within the park only by donation.

(2) If the Secretary determines that lands within the protection zone are being used, or there is an imminent threat that such lands will be used, for a purpose that is incompatible with the purposes of this Act, the Secretary may acquire such lands or interests therein by means other than donation.

(3) The Secretary may acquire lands within the historic zone subject to terms and easements providing for the management and commercial operation of existing hiking and cross-country ski trails by the grantor, and the grantor's successors and assigns.

(c) HISTORIC ZONE.—The primary purposes of the historic zone shall be preservation, education, and interpretation.

(d) PROTECTION ZONE.—(1) The primary purpose of the protection zone shall be to preserve the general character of the setting across from the Marsh-Billings Mansion in such a manner and by such means as will continue to permit current and future compatible uses.

(2) The Secretary shall pursue protection and preservation alternatives for the protection zone by working with affected State and local governments and affected landowners to develop and implement land use practices consistent with this Act.

SEC. 5. MARSH-BILLINGS NATIONAL HISTORICAL PARK SCENIC ZONE.

(a) IN GENERAL.—There is established the Marsh-Billings National Historical Park Scenic Zone (hereinafter in this Act referred to as the "scenic zone"), which shall include those lands as generally depicted on the map entitled "Marsh-Billings National Historical Park Scenic Zone Map" and dated November 19, 1991.

(b) PURPOSE.—The purpose of the scenic zone shall be to protect portions of the natural setting beyond the park boundaries that are visible from the Marsh-Billings Mansion, by such means and in such a manner as will permit current and future compatible uses.

(c) ACQUISITION OF SCENIC EASEMENTS.—Within the boundaries of the scenic zone, the Secretary is authorized only to acquire scenic easements by donation.

SEC. 6. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into cooperative agreements with such persons or entities as the Secretary determines to be appropriate for the preservation, interpretation,

management, operation, and providing of educational and recreational uses for the properties in the park and the scenic zone.

(b) FACILITIES.—The Secretary, through cooperative agreements with owners or operators of land and facilities in the protection zone, may provide for facilities in the protection zone to support activities within the historic zone.

SEC. 7. ENDOWMENT.

(a) IN GENERAL.—In accordance with the provisions of subsection (b), the Secretary is authorized to receive and expend funds from an endowment to be established with the Woodstock Foundation, or its successors and assigns.

(b) CONDITIONS.—(1) Funds from the endowment referred to in subsection (a) shall be expended exclusively as the Woodstock Foundation, or its successors and assigns, in consultation with the Secretary, may designate for the preservation and maintenance of the Marsh-Billings Mansion and its immediate surrounding property.

(2) No expenditure shall be made pursuant to this section unless the Secretary determines that such expenditure is consistent with the purposes of this Act.

SEC. 8. RESERVATION OF USE AND OCCUPANCY.

An owner of improved residential property within the boundaries of the historic zone may retain a right of use and occupancy of such property for non-commercial purposes for a term not to exceed 25 years or a term ending at the death of the owner, or the owner's spouse, whichever occurs last. The owner shall elect the term to be reserved.

SEC. 9. GENERAL MANAGEMENT PLAN.

Not later than 3 years after the date funds are made available to carry out this section, by donation or otherwise, the Secretary shall develop and transmit a general management plan for the park to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

SEC. 10. AUTHORIZATION OR APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The amendment was agreed to.

So the bill (S. 2079) was deemed read a third time, and passed.

LOS PADRES CONDOR RANGE AND RIVER PROTECTION ACT

The bill (H.R. 2556) entitled the "Los Padres Condor Range and River Protection Act," was deemed read the third time, and passed.

Mr. SEYMOUR. Mr. President, I rise today in strong support of H.R. 2556, the Los Padres Wilderness bill. H.R. 2556 is the companion bill to S. 1225 which I introduced 1 day shy of a year ago.

The Los Padres National Forest, located in southern California, stretches from Monterey to Los Angeles. It is home to a wealth of wildlife, including the endangered California condor. The forest is the largest unprotected wilderness in California and within 100 miles of population centers totaling 10 million people.

H.R. 2556 creates seven new wilderness areas within the Los Padres National Forest, totaling almost 400,000 acres. The Sespe Wilderness totals 220,500 acres, which contains the California condor sanctuary and is the site of our Nation's ongoing condor release program; the Matilija Wilderness totals 30,000 acres; San Rafael, 43,000 acres; Garcia, 14,600 acres; Chumash, 38,200 acres; Ventana, 38,000 acres; and Silver Peak, 14,500 acres.

The Los Padres bill also protects eight rivers that run through the forest. The full 33 miles of the Sisquoc River and 18.9 miles of Big Sur are designated as wild and scenic; 49 miles of the Piru Creek, 23 miles of the Little Sur River, 16 miles of the Matilija Creek, and 11 miles of the Lopez are all to be studied for designation. The Sespe Creek is also permanently protected along 31.5 of its miles, and an additional 10.5 miles of the creek is studied for designation.

The Los Padres wilderness bill is the product of negotiation and compromise. The notion of further wilderness designation in the Los Padres National Forest is not new. Senators WILSON and CRANSTON, along with Congressman LAGOMARSINO have all previously introduced measures to assure the protection of the region's forests and streams.

Prior to my arrival in the Senate, competing measures in both the Senate and the House prevented some of Los Padres' most distinctive and delicate natural areas from receiving the permanent protection they required. Through diligent work and compromise, Senator CRANSTON, Congressman LAGOMARSINO, Congressman PANETTA, and I were able to craft a reasoned and balanced bill.

As a product of compromise, the Los Padres bill is not all things to all people. The bill contains some measures with which I do not agree. Taken as whole, though, H.R. 2556 is an important bill that will not only assure the protection of the beautiful natural assets found in the Los Padres National Forest, but also will ensure that the public will be able to enjoy these wonders.

Mr. President, I would like to take this opportunity to thank Congressman LAGOMARSINO, Senator CRANSTON, and Congressman PANETTA, for their diligent work on the protection of the Los Padres National Forest. I would also like to thank Senators WALLOP, MURKOWSKI, JOHNSTON, and BUMPERS, along with their staffs, for their time and effort on this legislative endeavor.

RELIEF OF TSUI FAMILY

The bill (S. 1338) for the relief of Chi Hsii Tsui, Jin Mie Tsui, Yin Whee Tsui, Yin Tao Tsui, and Yin Chao Tsui, was deemed read the third time, and passed; as follows:

S. 1338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of the Immigration and Nationality Act, Chi Hsii Tsui, Jin Mie Tsui, Yin Whee Tsui, Yin Tao Tsui, and Yin Chao Tsui shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct five numbers from the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas that are made available to such natives under section 202(e) of such Act.

Mr. SANFORD. Mr. President, I rise today to share my excitement that the Senate today is taking up S. 1338, a bill to grant permanent residency to a very special person, Charlie Two Shoes, and his family.

It is very exciting indeed that we are ready to grant permanent residency to a man who has had such longstanding ties to the United States. In fact, it was 1945 when a group of marines from the 6th Division stationed in China after World War II adopted an 11-year-old boy, who they nicknamed "Charlie Two Shoes."

When the marines pulled out of China in 1949, Charlie Two Shoes begged to go with them, but it could not be arranged. However, the marines did promise to stay in touch and to one day bring him to the United States.

After the Communists took control of China, Charlie suffered greatly because of his close ties to the marines and to the United States. He and his wife were both fired from their jobs, and Charlie remained under house arrest for 20 years.

In 1980, when relations between China and the United States were normalized, Charlie was able to make contact with the marines to whom he still felt so close. And 3 years later, Charlie finally had his dreams come true when he was able to come to the United States and be reunited with the marine veterans who had adopted him almost 40 years before.

Charlie fell in love with the United States and decided he wanted to stay. He was granted an indefinite stay of deportation in 1985 and was allowed to bring his wife and three children to America.

For the last 6 years, the Tsui family have lived happily in Chapel Hill where they operate a local restaurant and have become a beloved part of the community. However, Charlie's one remaining wish is to become a citizen of the United States of America.

I introduced this legislation last year because I believe Charlie and his family have waited long enough. It is time to take the next step of granting them permanent residency so that Charlie can obtain his long hoped for goal of becoming a U.S. citizen.

My colleagues, I am certain, are as touched as I am by the compelling story of Charlie's love and devotion to

the United States. I appreciate their support on this bill, and I am very excited that the Senate is prepared to pass this important piece of legislation and help to make Charlie Two Shoes' dream come true.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:25 p.m., a message from the House of Representatives, delivered by Mr. Goetz, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate.

S. 756. A bill to amend title 17, United States Code, the copyright renewal provisions, and for other purposes.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 776. An act to provide for improved energy efficiency; to the Committee on Finance.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 4, 1992, he had presented to the President of the United States the following enrolled bills:

S. 2342. An act to amend the Act entitled "An Act to provide for the disposition of funds appropriated to pay judgement in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes," approved October 25, 1972 (86 Stat. 1168 et seq.); and

S. 2783. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to medical devices, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

Duane Acker, of Virginia, to be an Assistant Secretary of Agriculture;

Daniel A. Sumner, of North Carolina, to be an Assistant Secretary of Agriculture; and

Daniel A. Sumner, of North Carolina, to be a member of the Board of Directors of the Commodity Credit Corporation.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL (for himself, Mr. BIDEN, Mr. DECONCINI, Mr. PELL, Mr. LEAHY, Mr. KENNEDY, Mr. SIMON, Mr. CRANSTON, Mr. MOYNIHAN, Mr. WELLSTONE, Mr. SARBANES, Mr. INOUYE, Mr. RIEGLE, Mr. BRADLEY, and Mr. WALLOP):

S. 2808. A bill to extend to the People's Republic of China renewal of nondiscriminatory (most-favored-nation) treatment until 1993 provided certain conditions are met; to the Committee on Finance.

By Mr. HATCH:

S. 2809. A bill to amend title IV of the Social Security Act to increase State responsibility and flexibility in designing services, ensuring quality control, and evaluating programs designed to help troubled families and their children, and to shift the role of the Department of Health and Human Services from program and financial oversight to planning and coordination of research and technical assistance; to the Committee on Finance.

By Mr. GORE (for himself, Mr. GRASSLEY, Mr. DOLE, Mr. FORD, Mr. BREAUX, Mr. EXON, Mr. LOTT, Mrs. KASSEBAUM, Mr. BURNS, Mr. PRESSLER, Mr. SIMPSON, Mr. STEVENS, Mr. KOHL, Mr. KERRY, Mr. THURMOND, Mr. DASCHLE, Mr. D'AMATO, Mr. COCHRAN, Mr. MURKOWSKI, Mr. KASTEN, Mr. BOND, and Mr. SPECTER):

S. 2810. A bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSTON:

S. 2811. A bill to extend until January 1, 1966, certain existing temporary duty suspensions; to the Committee on Finance.

S. 2812. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Finance.

By Mr. GORE (for himself, Mr. FORD, Mr. SARBANES, and Mr. SIMON):

S. 2813. A bill to establish in the Government Printing Office an electronic gateway to provide public access to a wide range of Federal databases containing public information stored electronically; to the Committee on Rules and Administration.

By Mr. RIEGLE (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. PRYOR, Mr. COHEN, Mr. BOND, Mr. ROCKEFELLER, Mr. PRESSLER, Mr. GRAHAM, Mr. ADAMS, Mr. MOYNIHAN, Ms. MIKULSKI, Mr. DODD, Mr. DASCHLE, Mr. KENNEDY, Mr. HOLLINGS, Mr. LEAHY, Mr. SIMON, Mr. CRANSTON, Mr. JOHNSTON, Mr. SARBANES, Mr. BURNS, and Mr. BREAUX):

S. 2814. A bill to ensure proper and full implementation by the Department of Health and Human Services of medicaid coverage for certain low-income medicare beneficiaries; to the Committee on Finance.

By Mr. RIEGLE (for himself and Mr. GARN) (by request):

S. 2815. A bill to amend the Export-Import Bank Act of 1945; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mrs. KASSEBAUM):

S. Res. 305. A resolution to commend the First Infantry Division (MECH) on its 75th anniversary; considered and agreed to.

By Mr. LEVIN (for himself, Mr. MITCHELL, and Mr. DOLE):

S. Res. 306. A resolution relating to the enforcement of United Nations Security Council resolutions calling for the cessation of hostilities in the former territory of Yugoslavia; to the Committee on Foreign Relations.

By Mr. DANFORTH (for himself, Mr. GRAHAM, Mr. BOND, Mr. COHEN, Mr. CONRAD, Mr. DECONCINI, Mr. LEVIN, Mr. ROBB, and Mr. RUDMAN):

S. Res. 307. A resolution entitled "Deficit Reduction: A Call for Debate."; to the Committee on the Budget.

By Mr. D'AMATO (for himself, Mr. BIDEN, Mr. DECONCINI, and Mr. DOLE):

S. Res. 308. A resolution to condemn the assassination of Judge Giovanni Falcone; to the Committee on Foreign Relations.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 309. A resolution to authorize testimony by an employee of the Senate in Robinson v. Addwest Gold, Inc., et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL (for himself, Mr. BIDEN, Mr. DECONCINI, Mr. PELL, Mr. LEAHY, Mr. KENNEDY, Mr. SIMON, Mr. CRANSTON, Mr. MOYNIHAN, Mr. WELLSTONE, Mr. SARBANES, Mr. INOUYE, Mr. RIEGLE, Mr. BRADLEY, and Mr. WALLOP):

S. 2808. A bill to extend to the People's Republic of China renewal of nondiscriminatory (most-favored-nation) treatment until 1993 provided certain conditions are met; to the Committee on Finance.

UNITED STATES-CHINA ACT OF 1992

Mr. MITCHELL. Mr. President, 2 days ago, President Bush announced his intention to extend again to China the trade status of most-favored-nation.

Yesterday, according to an ABC News report, a lone, courageous demonstra-

tor in Tiananmen Square was beaten and arrested for daring to publicly remember the demonstrators on the Square 3 years ago. Western news reporters were beaten by plain clothes police, taken into custody, and beaten again by uniformed police for the crime of recording the arrest.

Today I introduce legislation for the third time to end the President's mistaken, failed, and morally wrong policy toward the Communist Government of China.

Similar legislation is being introduced in the House. The differences in the bills are minor.

The bill I introduce requires the President to certify three things: First, that China has acted to adhere to the requirements of the Universal Declaration of Human Rights; second, that China will keep the specific promises made to Secretary of State James Baker last year to allow dissident Chinese to leave the country; and third, that China will stop the export of goods made by forced labor.

The House bill focuses on an accounting of those imprisoned after Tiananmen Square and release of those still being held. On the issues of weapons proliferation and sales and of fair trade practices, the measures are substantively identical.

But on the central issue of holding China accountable, of creating a real incentive for change in place of wishful thinking, there is no difference in the two proposals.

A majority in both Houses of Congress has for 3 years recognized that a policy based on hopes which are regularly betrayed by Chinese actions, is wrong. It doesn't serve American interests. It doesn't strengthen international peace. It doesn't improve the living standards of the Chinese people. It doesn't restore the independence of Tibet.

The President has been able to persuade a minority in the Senate to ignore American interests and support this unwise policy.

But time and the Chinese regime are running against that minority. I hope the events of the last 3 days and the memory of all that has transpired in the last 3 years will finally be enough to persuade our colleagues that the American national interest should take priority in this matter.

The Nation will be here for many years after this President and many others. So will China. There is a time appropriate for political choices and there is a time when politics should end. With China, that time is now.

Three years ago today, Americans and free people all around the world saw tanks and uniformed soldiers sweep into the world's largest public square and crush the world's largest demonstration for democracy and freedom.

Today, Tiananmen Square is a bloodstained name in the annals of government repression. It stands beside the killing fields of Cambodia, the Moscow Show Trials, the ravine at Babi Yar—among the bloodiest chapters in a bloodstained century. It is a disgrace to humanity. It is an insult to a world weary of government repression, a reproach to the courage of those who died for freedom.

Ten days ago, Americans celebrated Memorial Day. All across this country, survivors of our wars, families of veterans, families of those who died and people in communities who have never been personally scarred by war gathered to commemorate the courage of ordinary Americans who gave their lives to preserve freedom, to protect liberty and to ensure a future in which American ideals of liberty could flourish.

We did not take boys from the cornfields of Iowa or the fishing villages of Maine or the streets of the Bronx to defend Communist tyrannies. It is an insult to them to pursue a policy favoring exactly the same kind of tyranny they fought to the death.

Three years have passed since the Communist Chinese Government brutally repressed peaceful demonstrations for political liberty. These 3 years have seen no progress toward the free and democratic society the demonstrators sought. But for 3 years, President Bush has said his policy would produce a freer, more democratic Chinese society. He has been wrong. His policy has produced no positive results at all. It has produced, instead, more repression.

Three years is long enough.

It has been too long for the uncounted persons still imprisoned for the crime of having political opinions. It has been too long for the Tibetans who have had to watch as their culture and their country have been destroyed. It has been too long for the goal of world stability and world peace.

Three years is enough time, even for those who believed the President when he said that the Chinese Communists have been given time. The facts are in. The record is clear.

The Chinese Communists have mocked international treaties and agreements. They still export goods made with prison labor to the United States in flagrant violation of our laws. Their officials stand indicted of conspiring to violate bilateral textile quotas.

Two years ago, the Chinese Communists carried out the largest underground nuclear explosion in Chinese history—an explosion of 1,000 kilotons, the equivalent of 1 million tons of TNT. Nearly 20 years ago, in the midst of the cold war the United States and the Soviet Union were able to agree not to exceed a 150-kiloton test level. Two weeks ago, China detonated a nuclear explosion seven times more powerful. President Bush said nothing.

Instead, he wants to continue business as usual. Chinese jails are full of dissidents; Chinese weapons transfers threaten regional peace halfway across the world; the Chinese trade imbalance reaches its highest level ever; the Chinese Communists insult the freely elected representatives of the American people by refusing them entry visas.

The President's policy toward China is wrong.

It is inconsistent with American ideals. It is contrary to American economic interests. It is a travesty of effective policy. It demands change.

This bill preserves the President's powers to act. It does not seek to micromanage foreign policy. But it does seek to place American policy once again in the service of American interests, American values and American honor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-China Act of 1992".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—The Congress makes the following findings:

(1) On June 4, 1989, thousands of Chinese citizens courageously demonstrated that they were prepared to risk their lives and futures in pursuit of democratic freedom and respect for human rights.

(2) Despite this massive outpouring of desire for self-determination and observance of fundamental principles of human rights, the Government of the People's Republic of China, a member of the United Nations Security Council obligated to respect and uphold the United Nations charter and Universal Declaration of Human Rights, continues to flagrantly violate internationally recognized standards of human rights, including—

(A) torture and cruel, inhuman, or degrading treatment or punishment;

(B) arbitrary arrest, unacknowledged detention without charges and trial, and jailing of persons solely for the nonviolent expression of their political views; and

(C) use of prison labor to produce cheap products for export to countries, including the United States, in violation of international labor treaties and United States law.

(3) The Government of the People's Republic of China continues to deny Chinese citizens who have supported the prodemocracy movement and others, the right of free emigration despite having given a pledge to the Secretary of State to do so during his visit last year to China.

(4) The Government of the People's Republic of China continues to use army and police forces to intimidate and repress the Tibetan people who nonviolently seek political and religious freedom.

(5) The Government of the People's Republic of China continues to engage in unfair trade practices against the United States by

raising tariffs, employing taxes as a surcharge on tariffs, using discriminatory customs rates, imposing import quotas and other quantitative restrictions, barring the importation of some items, using licensing and testing requirements to limit imports, and falsifying country of origin documentation to transship textiles and other items to the United States through Hong Kong and third countries.

(6) Although the Government of the People's Republic of China has pledged to adhere to the guidelines and parameters of the Missile Technology Control Regime, there are continuing reports of Chinese transfers of missile technology controlled by such regime to the Middle East, Africa, and Asia;

(7) The Government of the People's Republic of China continues to unjustly restrict and imprison religious leaders who do not adhere to the dogma and control of state-sponsored religious organizations.

(8) It is the policy and practice of the Government of the People's Republic of China's Communist Party to control all trade unions and suppress and harass members of the independent labor union movement.

(9) The Government of the People's Republic of China continues to harass and restrict the activities of accredited journalists and restrict broadcasts by the Voice of America.

(b) POLICY.—It is the sense of the Congress that—

(1) with respect to the actions of the People's Republic of China in the areas of human rights, weapons proliferation, and unfair trade practices the President should take such actions as necessary to achieve the purposes of this Act, including but not limited to—

(A) directing the United States Trade Representative to investigate and take necessary and appropriate action pursuant to section 301 of the Trade Act of 1974 with respect to the continuing unfair trade practices of the People's Republic of China which are determined to be discriminatory, and which unreasonably restrict United States commerce; and

(B) encouraging members of the Missile Technology Control Regime and other countries as appropriate, to develop a common policy concerning the People's Republic of China's transfer of missile technology to other countries;

(2) the sanctions being applied against the People's Republic of China on the date of the enactment of this Act should be continued and strictly enforced; and

(3) the President should direct the Secretary of Commerce to consult with leaders of American businesses who have significant trade or investments in the People's Republic of China, to encourage them to adopt a code of conduct which—

(A) follows basic internationally recognized human rights principles,

(B) seeks to ensure that the employment of Chinese citizens is not discriminatory in terms of sex, ethnic origin, or political belief,

(C) does not knowingly use prison labor,

(D) recognizes workers' rights to organize and bargain collectively, and

(E) discourages mandatory political indoctrination on business sites.

SEC. 3. MINIMUM STANDARDS WHICH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA MUST MEET TO CONTINUE TO RECEIVE NONDISCRIMINATORY MOST-FAVORED-NATION TREATMENT.

Notwithstanding any other provision of law, the President may not recommend the continuation of a waiver for a 12-month period beginning July 3, 1993, under section 402(d) of the Trade Act of 1974 for the People's Republic of China unless the President reports in the document required to be submitted by such section that the government of that country—

(1) has taken appropriate actions to begin adhering to the provisions of the Universal Declaration of Human Rights in China and Tibet, and is fulfilling the commitment made to the Secretary of State in November 1991 to allow the unrestricted emigration of those citizens who desire to leave China for reasons of political or religious persecution, to join family members abroad, or for other valid reasons;

(2) has provided an acceptable accounting of Chinese citizens detained, accused, or sentenced as a result of the nonviolent expression of their political beliefs and, by the date of the enactment of this Act, has released citizens so detained, accused, or sentenced, to credibly demonstrate a good faith effort to release all those imprisoned as a result of the events which occurred during and after the violent repression in Tiananmen Square on June 3, 1989;

(3) has taken action to prevent export of products to the United States manufactured wholly or in part by convict, forced, or indentured labor and has agreed to allow United States Custom officials to visit places suspected of producing such goods for export; and

(4) has made overall significant progress in—

(A) ceasing religious persecution in the People's Republic of China and Tibet, and releasing leaders and members of religious groups detained, imprisoned, or under house arrest for expressing their religious beliefs;

(B) ceasing unfair trade practices against American businesses, and providing them fair access to Chinese markets, including lowering tariffs, removing nontariff barriers, and increasing the purchase of United States goods and services; and

(C) adhering to the guidelines and parameters of the Missile Control Technology Regime and the controls adopted by the Nuclear Suppliers Group and the Australian Group on Chemical and Biological Arms.

SEC. 4. REPORT BY THE PRESIDENT.

If the President recommends in 1993 that the waiver referred to in section 3 be continued for the People's Republic of China, the President shall state in the document required to be submitted to the Congress by section 402(d) of the Trade Act of 1974, the extent to which the Government of the People's Republic of China has complied with the provisions of section 3, during the period covered by the document.

SEC. 5. NONDISCRIMINATORY TREATMENT FOR PRODUCTS FROM NONSTATE-OWNED ORGANIZATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, upon the occurrence of an event described in subsection (b), nondiscriminatory treatment shall apply to any good that is produced, manufactured, marketed, or otherwise exported by a business, corporation, partnership, qualified foreign joint venture, or other person that is not a state-owned organization of the People's Republic of China. Such nondiscriminatory treatment shall be in effect for the period of time the waiver referred to in section 3 would have been effective had it taken effect.

(b) EVENTS.—Nondiscriminatory treatment as described in subsection (a) shall apply if—

(1) the President fails to request the waiver referred to in section 3 and reports to the Congress that such failure was a result of his inability to report that the People's Republic of China has met the standards described in that section; or

(2) the President requests the waiver referred to in section 3, but a disapproval resolution described in subsection (c)(1) is enacted into law.

(c) DISAPPROVAL RESOLUTION.—

(1) IN GENERAL.—For purposes of this section, the term "resolution" means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on _____ with respect to the People's Republic of China because the Congress does not agree that the People's Republic of China has met the standards described in section 3 of the United States-China Act of 1992.", with the blank space being filled with the appropriate date.

(2) APPLICABLE RULES.—The provisions of sections 153 (other than paragraphs (3) and (4) of subsection (b)) and 402(d)(2) (as modified by this paragraph) of the Trade Act of 1974 shall apply to a resolution described in paragraph (1).

(d) DETERMINATION OF DUTY STATUS OF ORGANIZATIONS.—

(1) The Secretary of the Treasury shall determine which businesses, corporations, partnerships, companies, or other persons are state-owned organizations of the People's Republic of China for purposes of this Act and compile and maintain a list of such businesses, corporations, partnerships, companies, and persons.

(2) For purposes of making the determination required by paragraph (1), the following definitions apply:

(A) The term "state-owned organization of the People's Republic of China" means a business, corporation, partnership, company, or person affiliated with or owned, controlled, or subsidized by the government of the People's Republic of China and whose means of production, products, and revenues are owned or controlled by central or provincial government authorities.

Any business, corporation, partnership, company, or person that is a qualified foreign joint venture or is defined by such authorities as a collective or private enterprise shall not be considered to be state-owned.

(B) The term "qualified foreign joint venture" means any person or entity—

(i) which is registered and licensed in the agency or department of the government of the People's Republic of China concerned with foreign economic relations and trade as an equity, cooperative, or contractual joint venture;

(ii) in which a foreign investor owns or controls (directly or indirectly) at least 33 percent (by value or voting interest) of the total of such interests;

(iii) in which the foreign investor is not a business, corporation, partnership, company, or other person of a country the government of which the Secretary of State has determined under section 6(j) of the Export Administration Act of 1979 to have repeatedly provided support for acts of international terrorism; and

(iv) which does not use state-owned organizations of the People's Republic of China to export its goods or services.

(C) The term "foreign investor" means a person or entity other than a state-owned organization as defined in subparagraph (A), a

natural person who is a citizen of the People's Republic of China, or a corporation or other legal entity if less than 33 percent of such corporation or entity is owned or controlled by persons who are not citizens of the People's Republic of China.

(e) PETITION FOR CHANGE IN DUTY STATUS.—Any person who believes that a particular business, corporation, partnership, or company should be included on or excluded from the list compiled by the Secretary under subsection (d) may request that the Secretary review the status of the business, corporation, partnership, or company.

SEC. 6. SANCTIONS BY OTHER COUNTRIES.

If the President decides not to seek a continuation of a waiver in 1993 under section 402(d) of the Trade Act of 1974 for the People's Republic of China, he shall, during the 30-day period beginning on the date that the President would have recommended to the Congress that such waiver be continued, undertake efforts to ensure that members of the General Agreement on Tariffs and Trade take similar action with respect to the People's Republic of China.

SEC. 7. DEFINITIONS.

For the purposes of this Act:

(1) DETAINED AND IMPRISONED.—The terms "detained" and "imprisoned" include, but are not limited to, incarceration in prisons, jails, labor reform camps, labor reeducation camps, and local police detention centers.

(2) CONVICT, FORCED, OR INDENTURED LABOR.—The terms "convict", "forced", or "indentured" labor has the same meaning given to such terms by section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(3) VIOLATIONS OF INTERNATIONALLY RECOGNIZED STANDARDS OF HUMAN RIGHTS.—The term "violations of internationally recognized standards of human rights" includes but is not limited to torture, cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, secret judicial proceedings, and other flagrant denial of the right to life, liberty, or the security of any person.

(4) MISSILE TECHNOLOGY CONTROL REGIME.—The term "Missile Technology Control Regime" means the agreement, as amended, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on an annex of missile equipment and technology.

(5) SIGNIFICANT PROGRESS.—(A) The term "significant progress" in section 3, means the implementation of measures that will meaningfully reduce, or lead to the end of the practices identified in that section.

(B) With respect to section 3(4)(C), progress may not be determined to be "significant progress" if, after the date of the enactment of this Act, the President determines that the People's Republic of China has transferred—

(i) ballistic missiles or missile launchers for the M–9 or M–11 weapons systems to Syria, Pakistan, or Iran; or

(ii) material, equipment, or technology that would contribute significantly to the manufacture of a nuclear explosive device to another country, if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of such weapon.

Mr. BIDEN. Mr. President, while the majority leader is on the floor, let me compliment him on his continued leadership. It is not only a serious political and security issue for the United States, but a compelling moral issue. I find it incredibly difficult to be able to square the rhetoric of the President of the United States and this administration with its actions on many things but particularly with regard to China. To use a phrase that was used in another context some 5 or 6 years ago by a very conservative Communist, "They obviously love capital communism more than capital." They are in a situation where it makes it, to me, inconceivable to think that this policy could continue. That a nuclear test seven times as large as that which the rest of the world has limited itself to, even back in the midst of the cold war, would be detonated and the President would say nothing is again an inconsistency.

I will be brief this morning and confine my remarks to the question of Chinese arms sales. Let me begin by repeating the majority leader's main point: The Bush administration's policy toward China has been a failure.

The administration claims its policy has succeeded because some progress has been made recently in areas of weapons proliferation. But the point is that such limited progress as we have seen is a direct and unquestionable result of the pressure applied on the Chinese from this body, from this Congress, in spite of the President's assertions.

In the area of weapons proliferation, Mr. President, we have seen some positive steps. The Chinese have recently pledged to abide by the Missile Technology Control Regime, the so-called MTCR, and have joined the Nuclear Non-Proliferation Treaty. If they live up to their pledges in this area, the bill that the majority leader has introduced this morning will not—I repeat, will not—revoke China's most-favored-nation status, if they live up to the pledges they have recently made with regard to nonproliferation.

This is a very reasonable bill, Mr. President. Just as the conditions on weapons proliferation can easily be met through some very limited steps on the parts of the Chinese, so can the human rights in trade conditions be met. This bill does not impose onerous conditions on proliferation, on trade, or on human rights.

Mr. President, if the President of the United States would only read this bill, I think he would recognize how reasonable it is, and I suspect that the impasse that continues to plague the Congress and the President on this issue might very well come to an end.

But, instead of reading this bill and recognizing its merits, the President seems determined to side with the gerontocracy in Beijing.

Lest I leave a false impression, as, I might add, the administration continually attempts to do on this question, I must point out that we continue to receive extremely disturbing intelligence reports about Chinese proliferation.

So far, the State Department has said that Chinese have not violated MTCR. But this view, I might point out and should point out to my colleagues, is not unanimously held.

Without going into detail, which would be totally inappropriate for me to do at this point, let me say this: There is strong concern that China will continue to sell missile technology to Syria, Pakistan, and Iran. And if the State Department continues to interpret the MTCR as narrowly as it has, they will be able to claim no violation.

The irony though is that if the State Department judged Chinese compliance with the MTCR using the same standards they used to judge Soviet compliance with the ABM Treaty and with the SALT II Treaty, we would have had numerous reports by now on Chinese violations.

The only point I wish to make here is the jury is still out on whether or not the Chinese will abide by their commitment on nonproliferation. One thing all of our experts in this—CIA, the intelligence community, the State Department, the Defense Department, everywhere—all of our experts are agreed on is virtually unanimous agreement on this point, that unless Beijing knows it will pay a heavy price, its pledges on nonproliferation are no more than scratches in the sand.

The reason the Chinese have done even as little as they have done thus far, according to the virtual unanimous opinion of our experts, not in the Congress but outside the Congress in the administrative, is that the Chinese understand that they will have to pay a price for noncompliance with their verbal commitments. We know that if China's leaders are forced to choose between dangerous arms sales worth millions of dollars to their economy in trade with America, which is worth billions of dollars to their economy, they will stop this dangerous practice and abide by the rules.

Mr. President, the Chinese have acted within, from their perspective, totally within their self-interests; this present Government. They will go as far as they are allowed to go by the world community. They will do what is in their naked self-interest to do. It will be in their naked self-interest, given no price to pay for doing it, to sell tens of millions of dollars worth of arms to other parts of the world. What difference does it make to them? But it makes a lot of difference to the world.

We went through a debate on this floor a year ago on the Persian Gulf war. Every American was riveted to their television with reports about missiles, Scud missiles, that were aimed at American troops and aimed at Israel. And we were told, with accuracy, about

what danger they posed. But those Scud missiles are to the M-9 and M-11 missiles that the Chinese wish to sell to the same people in the Middle East, they are like comparing a 1953 Chevrolet to a 1992 Chevrolet Corvette. They are of a different magnitude.

If, God forbid, there is another war in the Middle East—and who among us could sit here and say that the constellations are so aligned that we know there will be no more war in the Middle East, there will be peace in the Middle East—if there, God forbid, is another war and the Chinese go through with their arms sale of these sophisticated missiles and nuclear technology to Middle Eastern countries, can you imagine what it will mean in terms of the human carnage that will occur? For no Patriot missile can stop these missiles. We will not be in a position of being able to defend, and it will be a very different and much more dangerous world.

So, Mr. President, without the leverage of withholding most-favored-nation status, which means between $15 and $18 billion, $15 and $18 billion, to the Chinese Government, the Chinese people, without the leverage and the threat of withholding that $15 to $18 billion benefit that they derive from trade with us, they are going to go forward, get the benefit of that trade and make an extra $200, $300, $500, $700 million on selling the weapons that we know they negotiated to sell, that they want to sell and that they intend to sell. And all this legislation does with regard to proliferation is say if you want the $18 billion, give up the $700, $200, $100—depending on how much you sold—million that come from arms sales.

They are bright folks, Mr. President, this leadership in China. They are not dummies. They understand. And our experts have already told us they understand the stark choices. But if we do not make it clear that that is a stark choice they make, we are certain to see the Chinese armed with sophisticated missiles, intermediate-range missiles and short-range missiles, in an area of the world which continues to be the tinderbox, continues to be the place that is most likely to draw American blood as well as American treasure.

Mr. President, now is the time for us to be serious about nonproliferation. A serious nonproliferation policy means using all the leverage we have at our disposal to stop Syria from getting modern ballistic missiles, to stop Iran from getting nuclear weapons and modern ballistic missiles, and to stop Pakistan from escalating the arms race in South Asia.

At this moment in time, Mr. President, we can do something about Chinese arms sales. We can do it now. In a year, 2, 3, 5 years, it will be done, Mr. President. The genie will be out of the bottle. When have we ever been able to, once the arms have been proliferated, when have we been able to easily collect them, figuratively speaking, and put them back in the barn?

Mr. President, this is a moment in time where we can do something, and this is a moment in time where if we do not do something our children and, quite frankly, our brothers and sisters before too long will be able to hold us accountable for not having done something.

As our trade deficit with China rises from last year's $12 billion to as much as $15 to $18 billion, as I said before, which will occur this year, our leverage only increases, not decreases.

Mr. President, we are morally bound and legally correct to pursue the policy laid out in the bill that has been introduced this morning. We have the leverage. We know the danger. And the legislation will enable us to act. It is reasonable. It is not imposing upon China anything that it cannot easily do. It does not require a total remake of Chinese society. It does not require the Chinese leadership to inflict a self-inflicted wound on themselves and diminish their ability to maintain power and control, as much as we would like to do that. It just asks for some modicum of decency, some modicum of restraint, in a very dangerous world.

Mr. President, I conclude by complimenting the majority leader, Senator MITCHELL, for his continued leadership in this area. I sincerely hope my colleagues who were willing to buy on to the administration's argument 3 years ago and 2 years ago and 1 year ago will begin to assess whether or not the arguments made 3 years ago and 2 years ago and 1 year ago have held any water.

We have something against which to judge their assertions, Mr. President. This is not a case of first instance. We have a track record of 3 years of this administration's assertions relative to what their policy of engagement would do to modify the outrageous behavior of the Chinese Government.

I hope my colleagues will look at it. Each time we have addressed this question, we have garnered more support for jettisoning the administration's position. I believe that we will have sufficient support to override the President's veto once we pass this, based upon the actions of the Chinese and the inaction of this Government, our Government, over the last 3 years.

I yield the floor.

Mr. PELL. Mr. President, I rise in support of the bill to extend to the People's Republic of China renewal of nondiscriminatory—most-favored-nation—treatment until 1993 provided certain conditions are met. This bill was just introduced by the distinguished majority leader, Senator MITCHELL and is, I believe, an excellent one.

This measure is a welcome response to the administration's annual folly of extending to China nondiscriminatory trade treatment without any conditions.

I understand the President's objective. His goal, I believe, is our goal. We both want China to abide by international standards in human rights, trade, and in controls on the proliferation of weapons of mass destruction. We differ in the means to those ends.

He does not want to isolate China, neither do we. He wants China to improve its behavior, so do we. He wants China to stop imprisoning and torturing those who advocate democracy, so do we. He wants China to stop stealing American copyrighted and trademarked goods, so do we. He wants China to stop exporting missiles and nuclear weapons systems to the Middle East, so do we.

But China has not stopped any of these actions.

Each year the President renews China's preferential trade access to America's markets, each year China's notorious behavior continues.

A recent study by the human rights group Asia Watch of one province in China demonstrates that hundreds of prodemocracy activists continue to be arrested and tortured.

The administration itself just reported to Congress about continued human rights violations in China. It mentions that a few people have been released. The report was suppose to cover Tibet. Tibet is not mentioned. Why not? Because there has been no improvement in Tibet. A recent film entitled "A Song for Tibet" shows video footage of Tibetan monks being tortured by the Chinese.

Reports continue to be received about China's failure to comply with international agreements in trade and proliferation. In its reports to the Congress, the administration always mentions that it has been encouraged by Chinese willingness to endorse international agreements in these areas. What the administration carefully avoids stating is that China is complying fully with these agreements.

The bill introduced today does not cut off nondiscriminatory trade treatment for China as some charge. It conditions trade on China's compliance with international agreements that it has already endorsed. In effect, this bill provides the President with the stick he needs to complement the carrot of most favored nation that he has given to the Chinese. He needs the leverage of both if he is to be successful in the policy objective both the Congress and the President desire: China's responsible participation in ensuring world order and development, and a decent regard for human rights.

Mr. KENNEDY. First of all, Mr. President, I join my colleagues in congratulating the majority leader,

ator MITCHELL, for bringing this measure up before the Senate and giving it the strong support that he has.

I give my strong support to this measure to condition President Bush's renewal of most-favored-nation trade status for the People's Republic of China on improvements in China's record on human rights, trade, and arms control.

Since the bloody Tiananmen Square massacre 3 years ago today, the Beijing regime has done little to end its repressive policies.

Only yesterday, Chinese police brutally beat peaceful protesters seeking to commemorate the loss of their courageous fallen friends. Seven foreign journalists on hand, including two Americans, were also beaten and detained.

President Bush's recent decision to renew China's MFN trade status for another year without conditions undermines the efforts of democracy and human rights advocates throughout the world, and sends the wrong message to the brutal regime in Beijing.

Despite the extraordinary gains in many lands in recent years, the people of China and Tibet continue to be denied their basic rights and liberties. They are denied the right to choose their own leaders. And they are imprisoned for peacefully supporting democratic reforms.

Chinese troops continue to occupy Tibet illegally. Under orders from Beijing, the army has extended its cruel repression of the Tibetan people and expanded policies to destroy the Tibetan culture. Reports of torture and abuse of the Tibetans are common.

Yet the Bush administration remains an apologist for Beijing.

Rather than isolating the Chinese regime, the administration has appeased it, and resisted the imposition of meaningful penalties.

From the secret missions in which high level officials toasted the regime's leaders only weeks after the blood had dried on Tiananmen Square, to the veto of congressional sanctions regarding OPIC, trade assistance, munitions, satellites, nuclear cooperation, and the extension of student visas, the administration has kow-towed to Beijing and shamefully betrayed the forces of freedom still bravely enduring within China and Tibet.

The U.S. policy of constructive engagement has been a dismal failure. The Chinese Government has failed to honor even the promises made to Secretary of State James Baker during his visit to Beijing last November.

The Chinese regime promised to allow a group of dissidents to leave the country, but then failed to do so. It promised to halt the export of products made by slave labor to the United States, but was recently caught exporting tools and diesel engines made by prisoners.

It promised to account for the status of 800 political prisoners jailed after the Tiananmen Square massacre, but then provided only the barest information, some of which has already been proven false.

During the past few months China has engaged in openly provocative acts, including the underground testing of a massive nuclear weapon. It has harassed and assaulted American reporters, denied visas to the chairmen of the Senate Intelligence and Foreign Relations Committees, and failed to make any significant improvement in human rights.

In addition, Beijing has dumped products on the U.S. market, devalued its currency, and violated export quotas in violation of fair trading laws. These practices are leading to a projected United States-China trade deficit of $20 billion by the end of this year.

By indicating to the butchers of Beijing that it will proceed with business as usual, the administration has put America on the wrong side of the movement for freedom and democracy in China and Tibet.

The legislation being introduced today conditions MFN status on improvements by China in human rights, trade, and arms sales. It prohibits the renewal of MFN status in July 1993 unless President Bush certifies that the Government of China has:

First, taken action to adhere to the Universal Declaration of Human Rights for China and Tibet;

Second, begun releasing individuals imprisoned for expressing their political beliefs;

Third, taken steps to prevent the export to the United States of products made from slave labor; and

Fourth, made "overall significant progress" in ending religious persecution in China and Tibet, ending unfair trade practices against the United States, and adhering to the missile control technology regime and the controls adopted by the nuclear suppliers' group and the Australian group on chemical and biological arms.

In addition, in this year's legislation, denial of MFN will pertain only to state-owned enterprises. Accordingly, suspending China's preferential trading status would not directly affect American business or the Chinese civilian population.

I strongly support this legislation. Its conditions are realistic and reasonable. America cannot continue to pursue business as usual with a regime that fails to honor even the most fundamental human rights of its citizens.

I hope that the Congress will move quickly to enact this important measure and put America on the side of freedom and democracy for the people of China and Tibet.

Mr. CRANSTON. Mr. President—today, on the anniversary of the tragic, bloody events of Tiananmen Square—I voice my full support for the United States-China Act of 1992. I am pleased to join the majority leader as an original cosponsor of this important legislation.

I stood on this floor 1 year ago and outlined the evidence in support of conditioning China's trade privileges. Today, the same exact proof—China's dismal record on weapons proliferation, human rights, and trade practices—persists.

Mr. President, in its own May 26 report to Congress the administration says that "Chinese missile proliferation practices have been of concern to the U.S. Government for some time." This unclassified report—and I urge all of my colleagues to read the report's classified material—states that China is assisting Iran and Pakistan's nuclear programs and is exporting goods and technologies that can also be used in chemical weapons production.

The administration reports that progress has been made in encouraging China to adhere to international standards, but it does not state that China is adhering to these standards.

The administration reports that China has assumed an obligation, under the Nuclear Non-Proliferation Treaty, not to assist any nonnuclear weapon state to develop or acquire nuclear explosives. The Administration does not vouch that China is meeting that obligation.

The administration reports that, on March 23, China agreed to act in accordance with the existing missile technology and control regime [MTCR] guidelines. Yet, Mr. President, on May 21, China conducted the largest underground nuclear blast in the history of its nuclear program. Experts suggest that the megaton size of the explosion indicates that China is attempting to develop large yield offensive nuclear warheads for long-range missiles. China's record of exporting missiles and missile-related technologies suggests that once it has a new product to export, it will sell it.

China's record is one of signing international agreements and then surreptitiously evading them.

Mr. President, China is a signatory to the Convention Prohibiting the Development, Production, and Stockpiling of Biological and Toxin Weapons. The administration's report does not address whether or not China is actually abiding by this important agreement.

Perhaps the President knows what China is doing. If he does, he is not sharing that with the American people or with Congress. The Arms Control Compliance Report, required by Congress, was due January 31. It is not yet here. This critical annual report would detail China's compliance with its arms control commitments. What is the President trying to hide? Is the administration afraid to share China's

arms control record at a time it is trying to renew China's preferential trade status?

Mr. President, there is no evidence that China's promises to curb weapons proliferation will be kept. The administration itself reports that "there continue to be aspects of China's behavior that are of concern" despite its new commitments. Note the vague language "behavior that are of concern" and so forth.

This bill will guarantee that China keeps its promises. The legislation would ensure that if China fails to abide by its new commitments, then it would not receive the trade privileges that have brought it a $17.2 billion trade surplus with the United States.

This bill will also encourage the improvement in basic human rights in China. According to the State Department, China's human rights practices continue to fall short of internationally accepted norms. The legislation simply requires China to adhere to the principles of the Universal Declaration of Human Rights in China and Tibet.

China must provide an acceptable accounting for all those sentenced, arrested and detained for the peaceful expression of their political views.

China must release all those imprisoned for their peaceful involvement in events at Tiananmen Square exactly 3 years ago.

China must stop persecuting individuals for their religious beliefs. Since 1989, the Chinese Government has curbed religious practices by arresting and detaining religious leaders. At least 32 Catholic bishops were arrested at a 1989 conference. Some have been released since, but others have been sentenced unfairly.

China must cease the inhuman practice of exploiting forced labor for export production. Exporting goods produced with slave labor violates the International Labor Organization's Convention against Forced Labor. Importing goods made with slave labor violates U.S. law.

The United States must continue to press for humans rights reform in China. We must not betray the Chinese people who took such brave actions 3 years ago in Beijing. We must not let their spirit dwindle by turning a blind eye to China's persistent pattern of gross human rights violations, and they are, indeed, gross.

Finally, Mr. President, this bill is an important tool for ensuring that China stops its unfair trade practices. The Chinese leadership must back up its promise to stop intellectual property right infringement. It must unblock unfair barriers to market access. If China is to reap our trade benefits, then it must play fairly.

China's intransigence on issues of vital importance to the United States indicates that stricter measures are needed to make our position clear. The fact that the Senate returns to this issue time and again indicates our dissatisfaction with current United States-China policy.

Mr. President, I urge my colleagues to support the majority leader and the other cosponsors of this bill. The time for Congress to take a comprehensive approach to correcting United States policy toward China is long overdue.

Mr. DECONCINI. Mr. President, here we go again. Once again President Bush has chosen to ignore China's deplorable human rights record—to say nothing of its continued proliferation of weaponry to rogue nations around the world—by continuing our trading relationship with China.

On Tuesday, June 2, the President again extended nondiscriminatory—most-favored-nation—trade status to the People's Republic of China. Today marks the third anniversary of the bloody Government crackdown on peaceful, pro-democracy demonstrators in Beijing's Tiananmen Square. The determined visages of those brave students have not been forgotten by the millions around the world who yearn for democracy. Sadly, however, this principled stand for the beliefs upon which our own country was founded has been forgotten by President Bush who argues that we should not "isolate China if we hope to influence China," and who clings to the discredited policy that constructive engagement will turn the Chinese Government around.

This did not happen in South Africa. It was only after strong sanctions were imposed against that country that Nelson Mandela was freed and the racist apartheid system legally repudiated. It did not happen in Iraq. As is becoming apparent, President Bush's policy of engagement of Saddam Hussein—almost to the day of Saddam's invasion of Kuwait—only emboldened that dictator to pursue his deadly policies against the Kurds, the Shiites, and the Kuwaitis.

It is truly a sad commentary on President Bush that he stubbornly clings to his outdated beliefs that only he, a former United States Ambassador to Beijing, really knows the Chinese and how to approach them. As one of the Chinese students living in the United States has commented, the China that George Bush remembers no longer exists. It is also unfortunate that Congress has been unable to muster enough courage, and enough votes, to override the President's annual vetoes of even the most reasoned legislation placing conditions China must meet for renewal of MFN status next year.

Once again, the majority leader has taken the lead in drafting legislation aimed at upholding longstanding United States policy on human rights, fair trade, and missile nonproliferation while giving the President the leverage he needs to encourage a change in the Chinese Government's behavior. I am pleased to be a cosponsor of this legislation which places the mildest conditions on any future renewal of China's MFN.

As the leader knows, I would prefer a much stronger bill. In previous years, I have introduced legislation which would immediately suspend MFN for China. I recognize, however, that in order to be effective, we need legislation which will pass with the largest possible majority. It is for that reason that I have joined in supporting the leader's bill.

It is important that all of my colleagues support this reasoned and thoughtful legislation. They should do so not to embarrass the President, though some will say that is the intention of this bill, but to send the message to the Chinese Government that violation of human rights will not be tolerated and to reaffirm our commitment to human rights to others around the world who may be confused by this gross blindspot in United States foreign policy.

Mr. LEAHY. Mr. President, we Senators disagree often about many things. We certainly have disagreed about the size of the defense budget, how to deal with crime and despair in our cities, how to meet our energy needs and protect the environment, and to reduce the deficit.

But I would hope that we as Senators have no disagreements about the values of democracy and the fundamental rights and freedoms which underlie it. These are not just the rights of Americans. They are basic human rights. They are values shared by all peoples—Americans, Europeans, Africans, and Asians alike.

I think of that today as I hear the distinguished majority leader, the Senator from Massachusetts, the Senator from Rhode Island, the Senator from Delaware, and others, speak of the People's Republic of China. I feel privileged as a Member of the Senate to have traveled to China. I believe I led the only Senate delegation to Tibet. I felt it my duty as an American and a United States Senator to raise the issue of human rights, including the time when I was invited to Tibet. I said I would not go and would not bring my party there unless independent outsiders, independent media, and others were allowed also to go into Tibet at the same time because of the human rights violations that we all know have occurred there.

Today, as always, the world looks to the United States for a champion of human and civil rights, which are inherent in any democracy. Without our leadership, other countries are hesitant to fill the void and democracy and human rights suffer.

Circumstances differ from country to country, but basic human rights are internationally recognized. No country, particularly those like China that

are signatories to the Universal Declaration of Human Rights, can legitimately assert that the rights to freedom of expression, to be free from torture, arbitrary arrest, the denial of due process and equal protection of the law, and from cruel and inhuman punishment are solely domestic concerns. These are rights that are shared by all humanity, of legitimate concern to all humanity.

We take it as our birthright in the United States, but it is more than our birthright as American citizens. It is our birthright as human beings. But the People's Republic of China, with over a billion people, and one of the world's most repressive governments, violates this international principle.

A year ago when the President of the United States spoke to a graduating class at Yale, he defended his decision to renew most-favored-nation trade status for China. He argued: "You do not reform a world by ignoring it. MFN is a means to bring influence of the outside world to bear on China. The point is to pursue a policy that has the best chance of changing Chinese behavior."

We all agree with that goal, but there is not a shred of evidence that the President's policy is achieving a change in China.

Why should they change when we are giving them what they want?

It reminds me of South Africa, and our failed constructive engagement policy there. A policy staunchly defended by then Vice President Bush even after the Congress finally imposed sanctions. We were told that, by being nice to the South African Government, it would improve; we were warned not to isolate South Africa, even as South Africa itself isolated its own country from the standards and norms of human behavior.

And what happened? As long as the administration was able to defeat sanctions, South Africa did the bare minimum to create the impression that constructive engagement was working. Occasionally it would release a prisoner who had already languished behind bars unjustly for decades and say, "See, it is working," and our own U.S. administration became a victim of its own propaganda and lost sight of the fact that nothing really changed.

After Congress imposed the sanctions, it became obvious that sanctions had been necessary to force the South African Government to finally begin the dismantling of apartheid.

Iraq is another example: On the floor of the United States Senate when we were trying to cut off what turned out to be one of the biggest foreign aid giveaways to Iraq, the White House had its lobbyists up here saying, "We cannot do that; Saddam Hussein is modifying his behavior. If we are nice to Iraq, maybe he will change." At the same time they were lobbying against cutting off a foreign aid giveaway to Saddam Hussein, he had his tanks rolling toward Kuwait.

Incidentally, without belaboring the point, Mr. President, not only did our mollifying Saddam Hussein not stop him in any way but, to make it worse, this year—this year—the American taxpayers will, because of that mistake of the administration, have to pay $1.9 billion in U.S. tax dollars to pay the foreign aid bills of Saddam Hussein.

I mention this because every time we make the mistake of ignoring human rights, of ignoring the suppression of democracy, of ignoring our own basic birthright as Americans in dealing with other countries, it comes back to haunt us. It does not work. When we stand up for our principles, we stand up for what made this country great, and we succeed. When we pretend that dictators are not dictators, when we pretend that repressive tyrants are not repressive, when we pretend that human rights violations have not occurred, that is when we end up hurting ourselves as a nation committed to democracy and human rights.

It happened with Iraq. It happened with South Africa. It happens now as we spend $1.9 billion for the mistake of pretending Saddam Hussein was not a tyrant. And on Tuesday of this week, despite overwhelming evidence that engagement has utterly failed to bring about any significant lessening of the brutal repression, the President announced he would unconditionally renew most-favored-nation status to China.

It is only 3 years since the massacre at Tiananmen Square when Chinese tanks crushed innocent prodemocracy students and thousands of young demonstrators were rounded up and either shot or sent to prison and tortured. Despite all the quiet diplomacy and public engagement, human rights in China are no further advanced today than they were in 1989. Led by the same factions that ordered the massacre 3 years ago, only the people have suffered in China, certainly not China's leaders.

One need look no further than our own State Department's human rights report published 3 months ago to see that China is one of the most horrendous abusers of human rights anywhere. I cannot believe the President has read this report. It describes in chilling detail widespread repression of the Chinese people. Arbitrary arrests and torture are routine. Prison conditions are reminiscent of the Dark Ages. Prisoners, including those jailed for expressing their nonviolent political and religious beliefs, have been hung from the ceiling until their arms dislocated, beaten with sticks, shackled, shocked with electric cattle prods, starved, raped, killed. A government that does this is one we want to support? This is a government we want to send American money to? This is a government we want to give America's imprimatur of most-favored nation?

How can we do that? That shames America's standard of human rights and decency. That turns our back on our own birthright as Americans, a birthright embedded in the deepest principles of human rights.

Of the students arrested in Tiananmen Square, a thousand were sent to labor camps for demonstrating for basic human rights, and others were shot.

Some were publicly executed, because they had the courage to say: We are human beings. We have basic rights; God-given, natural rights as human beings. And simply because they asked for them, they were arrested, tortured, and shot.

Freedom of the press is nonexistent in China. Three weeks ago, the office of an American reporter was ransacked. She was threatened with arrest for publishing articles critical of the Government.

In March, President Bush rejected efforts of the Congress to put conditions—only conditions—on the renewal of MFN. I do not think we should give it at all, but if we are going to give it, at least impose some conditions.

Why do we have to give a blank check to every repressive regime in the world? When will we learn? When will we say: If you want a favor from the United States, at least respect the human rights of your own citizens. These conditions required significant progress in China's behavior in three critical areas: Human rights, trade barriers to United States products, and missile proliferation. Instead, the President assures us: Give a blank check, and we are making a difference in China by being engaged.

The statement from Deng Xiaoping just 3 weeks later belied that claim. He told the Peoples Daily that:

> When the forces of turmoil reappear in the future, we will not hesitate to use any means to eliminate them. We can use martial law or measures harsher and stricter than martial law to prevent interferences from the outside.

We all know who the forces of turmoil are in China—they are the forces of democracy.

So much for the President's best chance of changing Chinese behavior.

I have heard law and order speeches by Members of the Senate. They decry the erosion of our democratic society. But what of the arbitrary law and order imposed by a totalitarian regime where free speech is not tolerated and due process does not exist?

What are our principles as a country? What do we say to the rest of the world? What do we tell them democracy means to the United States?

Amnesty International and Asia Watch recently issued reports that contain page after page of eyewitness accounts of recent instances of torture,

forced labor, religious persecution and show trials, and executions of political detainees.

The men who had the audacity, or I should say the courage, to throw paint on the portrait of Mao in Tiananmen Square are now serving 16- and 20-year prison terms in unlighted, unheated cells the size of closets.

I am sure all of us, the President and Members of Congress, applauded their courage. We applauded the courage of that lone figure that faced down the tanks in Tiananmen Square 3 years ago. All of us thought how brave they were. Speech after speech was given on this floor extolling it.

I wonder how many of those who gave speeches on this floor saying how brave those people were are now going to stand up also to the political pressure of the White House. They extol the courage of somebody who can stand up to a tank rolling down upon them.

I would ask those same Senators to stand up to the lobbyists from the White House and say: We are not going to roll over and play dead for China. Those acts of courage in China merit support, not silence. The Chinese people deserve our help. Their leaders have earned only our disdain. Let us say so.

Reasonable people can differ about the effectiveness of trade sanctions. The President obviously thinks they can be effective. He is supporting them this moment against Serbia. I applaud President Bush for doing that. But let us do the same thing in China.

The evidence is indisputable that the Chinese leaders have only acted to improve human rights when they wanted to get something in return.

In December, when the Chinese refused to honor United States patents and trademarks, the administration threatened to impose double tariffs on some key Chinese exports. If we will not stand up for our democratic principles and human rights, at least we will stand up for our pocketbook.

And when the Chinese saw we meant business and they were on the verge of losing a major source of foreign exchange, they accepted our demand. They are not fools. If they think they can get it for nothing, they will do nothing. And usually our response has been to give it to them for nothing. But if we would say what we expect in return, and they know we are serious, we would get it.

Let us use the same approach on human rights. It is leverage the Chinese understand. But they take advantage of any weakness we display in dealing with them, and we have certainly displayed a lot.

Time and again, the Chinese go back on their word. In March, the President cited China's agreement to accede to the Nuclear Nonproliferation Treaty, as grounds for rejecting human rights conditions on MFN. Yet, 2 weeks ago, the Chinese detonated a huge 1,000 kiloton nuclear explosion.

Its leaders pledged to cease exporting goods produced by prison labor, but they have not stopped. They promised to account for the hundreds of political prisoners jailed after Tiananmen Square, but many are still missing and unaccounted for. They agreed to stop the proliferation of missile technology. Ask the administration if they suspect they are still selling it to other countries, including some hostile to the United States and our allies.

The President says they are willing to discuss our human rights concerns. Deng Xiaoping says there is nothing to discuss.

It is obvious the United States does not hold much of a threat to China. The Chinese Government figures we will bluff, but not hold them accountable. Empty threats from America are parried by token, calculated maneuvers by the Chinese.

I believe the President is well-meaning on this, but his policy is wrong and it merely prolongs the agony of the Chinese people. I agree with the President in not wanting to cut ties with China. Nobody wants to do that. If I felt that way, I would not have traveled there. That period of our relationship ended years ago. Its huge land mass and population cannot be isolated from the rest of the world.

But there are criteria of democracy and freedom that all nations must be measured by. China today resists every principle America stands for. To reward them with most-favored-nation trading status, we are rewarding systematic and horrible, physical and psychological abuse of thousands of human beings, the kind of abuse if it was inflicted on animals in our own country it would be a crime. But we ignore it when it is done to human beings.

We share responsibility to protect democracy and human rights. The President has a special responsibility, speaking for all Americans, to enforce those democratic beliefs in a manner befitting the leader of the oldest democracy in the free world.

Look what has happened in Russia. We see a democratic revolution, after the human spirit had been silenced for more than half a century.

The democratic restoration sweeping through Eastern Europe is a result of America's willingness to speak out against totalitarianism. It was often costly and unpopular to maintain that policy, but it gave hope and inspiration to millions trapped behind the Iron Curtain.

Most-favored-nation status with China can be a death sentence for millions of Chinese who look to the United States as a beacon of hope in the darkness that now engulfs them.

Once again, the President will probably have the votes, not a majority of votes, but at least enough to sustain a veto. Once again election-year politics and political expediency will rule the day.

But I believe our people are as tired of political expediency as the Chinese people are of subjugation. The American Revolution ended 200 years ago, and it has been an example for every freedom-seeking society since that time. The revolution in Eastern Europe is alive and vibrant and playing out before our eyes. Let us not say that we preserve democracy in our country and around the world by ignoring human rights violations in China. China today remains in darkness and so do its millions of people who wonder how many generations will pass before they are free.

I ask my fellow Senators. When you decide how to vote on MFN, think of that solitary figure who stood in front of the tank in Tiananmen Square. Think of the students who have disappeared to labor camps or prisons or firing squads. Think of them and ask who you will stand with when you vote. Will you stand with them? Or will you stand with the repressive dictators in China?

I believe all Americans, of whatever political stripe, identify with the new freedom-loving generation in China. And we can lift their spirits and further their cause by refusing to give most-favored-nation status to their government captors. Let us stand with the people. Let us stand up for the principles we believe in; the principles that made this country. Let us say, as we go into the next century, that for two centuries America has been a beacon of democracy, hope, and human rights, and that beacon will shine even brighter in the future.

Mr. BRADLEY. Mr. President, I rise today to cosponsor Senator MITCHELL's United States China Act of 1992 and to commemorate the third anniversary of the Tiananmen Square massacre. Three years ago today we sat glued to our televisions as we watched the Chinese militia open fire on thousands of peacefully protesting students. We will never forget the image of the lone college student facing the tanks and the ranks of suppression. That student paid the ultimate price in the name of freedom and democracy. For him, and the rest of his people, freedom and democracy still has not come. Chinese prison labor camps, or gulags, are filled with prodemocracy activists who have been since detained. China's fledgling democracy movement has been crushed.

Mr. President, the past week highlights the administration's inability to send a strong message to the Government of China to stop its abusive human rights policies. On May 31 AsiaWatch released a report detailing the torture and repression of 1989 prodemocracy activists in the central Chinese province of Hunan, where at least 150 protestors are still in jails or labor camps. Yet, yesterday, the ad-

ministration announced its intention to extend unconditional most-favored-nation trade status to China for another year without condemning China's denial of human rights. President Bush continues to maintain that trade with China should be unconditional. He claims most-favored-nation trading status fosters reform, free markets and greater freedom. There is overwhelming evidence to the contrary.

Mr. President, human rights abuses stand to be the tip of the iceberg. On May 21, China set off its largest ever underground nuclear test. The implication is that the Chinese are trying to develop large-yield offensive nuclear warheads for long-range missiles. This complicates nonproliferation objectives by signaling other countries like India and Cuba to expand their nuclear program.

What leverage do we have to correct these abuses if we hastily grant complete, unconditional MFN status? None. Experience has already shown that giving the Chinese unconditional MFN status, in the hope that they will feel honor bound to listen to our legitimate concerns is a feeble way to negotiate. Only when we have stood up for our principles and threatened to use the full force of sanctions, has China negotiated in good faith and progress has been made.

Mr. President, I call upon the administration to commemorate the anniversary of the Tiananmen Square massacre by urging the Chinese Government to release all those imprisoned for nonviolent political activity, including those in Hunan. The administration quietly admits China has not progressed on the human rights front. We should insist that the Chinese Government detail the charges for those detained and their condition. They should open their prison systems and detention centers to regular international inspection by the International Committee of the Red Cross. We should expect a nuclear testing moritorium treaty to which the United States would respond in kind.

Furthermore, I urge the administration to actively lobby to slow down and restrict the consideration of World Bank loans to China and to oppose granting new IDA "soft loans" due for renewal in 1993, until and unless China makes substantial human rights improvements.

Instead of renewing China's MFN status unconditionally, the administration should apply selective tariff penalties on key Chinese exports produced by government-owned industries. These could be imposed and incrementally increased until political prisoners are released, religious freedom is respected, and labor camps and prisons are opened for international inspection. Trade sanctions can be a lever to effect change in Chinese human rights policies.

Mr. President, those many hundreds who died in and around Tiananmen Square 3 years ago, and many thousands more who are still languishing in prison or suffering official repression, deserve more from America than this administration's business as usual attitude. It is time we do more than wring our hands over human rights abuses and nuclear testing.

By Mr. HATCH:

S. 2809. A bill to amend title IV of the Social Security Act to increase State responsibility and flexibility in designing services, ensuring quality control, and evaluating programs designed to help troubled families and their children, and to shift the role of the Department of Health and Human Services from program and financial oversight to planning and coordination of research and technical assistance; to the Committee on Finance.

STATE INITIATIVES IN CHILD WELFARE ACT OF 1992

Mr. HATCH. Mr. President, today, along with my colleague Congresswoman NANCY JOHNSON, I am introducing the State Initiatives in Child Welfare Act, a bill which I believe will go far in providing States more flexibility and more needed resources to deal with the serious problems affecting our child welfare system.

The recent report from the American Public Welfare Association's National Commission on Child Welfare and Family Preservation shows that State agencies are making heroic efforts to deal with the increasingly complex problems of foster care and adoption, yet their efforts are complicated by a myriad of Federal requirements.

Under current law, which is an open-ended entitlement based on a number of factors, if a State's caseload decreases, or if the rate of growth of the caseload declines, States receive less money.

The Hatch-Johnson proposal creates a capped entitlement program based on 1992 OMB estimates for administration and training costs from 1993 through 1997. States will receive a total of $8.8 billion over 5 years from 1993 through 1997, including $4.6 billion in new money. Under our proposal, States are guaranteed to get the full $8.8 billion, even if their foster care caseloads don't increase as rapidly as was once projected.

To protect the States from a deficiency in payment amount for an unexpected caseload increase under this capped entitlement approach, a provision authorizing supplemental payments is included in the bill.

A second problem with the way the system works now is that States must spend the money first and then wait years or months for reimbursements. Under our proposal States will know immediately how much money they can count on for the next 5 years. This will make it easier for States to budget while avoiding the administrative and financial burden of begging for reimbursement.

Another advantage with the approach in our bill is that States will have the flexibility to spend foster care money in whatever way they think will best address child welfare, including innovative prevention and reunification programs. They will be relieved of the burdensome redtape associated with documenting administrative costs. And this means that more energy, effort, and money can be focused on providing services to help children, rather than jumping through Federal hoops.

In addition, this bill places a 2-year moratorium on Federal reviews in exchange for the Governors' written assurance, confirmed by a third party audit, that the child welfare dollars are being spent according to the State plan.

Our bill also provides the States with Federal funds for establishing automated data systems and for analyzing existing administrative records. The bill also rewards up to 10 States for conducting large-scale demonstration programs on foster care prevention, family reunification, or timely termination of parental rights.

I hope my colleagues in the Senate will join us in this effort.

By Mr. GORE (for himself, Mr. GRASSLEY, Mr. DOLE, Mr. FORD, Mr. BREAUX, Mr. EXON, Mr. LOTT, Mrs. KASSEBAUM, Mr. BURNS, Mr. PRESSLER, Mr. SIMPSON, Mr. STEVENS, Mr. KOHL, Mr. KERRY, Mr. THURMOND, Mr. DASCHLE, Mr. D'AMATO, Mr. COCHRAN, Mr. MURKOWSKI, Mr. KASTEN, Mr. BOND, and Mr. SPECTER):

S. 2810. A bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure; to the Committee on Commerce, Science, and Transportation.

LOCAL EXCHANGE INFRASTRUCTURE MODERNIZATION ACT

• Mr. GORE. Mr. President, for more than 100 years, our Nation has led the world in the use of telecommunications to meet the needs of both an expanding economy and an increasingly complex society. But as the end of the century draws near, the United States is in danger of losing its lead. Unless we act soon, our Nation will miss opportunities to improve the day-to-day lives of its people—and it will lose one of its most important sources of competitive advantage in an integrated global economy.

Just as we recognize the need for modernization of our roads, bridges, water supply, and transit systems, so

too must we realize the need to modernize our telecommunications infrastructure. In 1956, this Nation committed itself to the construction of an Interstate Highway System that has been a primary influence on our economy. Today, Federal and State governments must take a series of regulatory and statutory actions to ensure Americans have access to the world's most advanced communications capabilities.

As a first step in this process, I sponsored the High Performance Computing Act of 1991, to accelerate the deployment of a national fiber optic network. This bill became law last year.

It is important that States act on telecommunications policy issues within their jurisdiction. My State recognizes, as a document from the Tennessee Department of Economic and Community Development indicates, that "telecommunications eliminates barriers of geography and time on service and coordination. It has redefined the base level of customer service in entire industries and changed the process of market innovation in others."

In response to the need to promote investment in telecommunications, the Tennessee Public Service Commission and State telephone companies developed FYI Tennessee, a 10-year master plan for the development of new and expanded telecommunications infrastructure in all 95 Tennessee counties. Several other States have adopted similar plans or are giving them active consideration.

Mr. President, today 20 of our colleagues join me in introducing the Local Exchange Infrastructure Modernization Act of 1992 to address the particular needs of the public switched network, the universally accessible telephone system to which any user can connect through local telephone companies.

The Communications Act of 1934 has proven highly effective in meeting its stated goal of making "available, so far as possible, to all the people of the United States rapid, efficient, nationwide * * * wire and radio communications service."

But because significant changes have occurred since 1934, not the least of which was the breakup of AT&T, and the emergence of enhanced telecommunications services, national telecommunications policy must be revised to account for these new realities.

Just as the Communications Act of 1934 has been effective for voice telephone service, the legislation I and my colleagues introduce today, would establish a policy to promote the deployment, sharing, and reliability of a national public switched network for enhanced telecommunications services.

Mr. President, if we are to ensure that our Nation has a telecommunications infrastructure that will serve our needs in the 21st century, Congress must act.

Prior to its breakup, AT&T performed two functions that were important to the development and operation of the public switched network. First, AT&T functioned as the network banker through its management of settlement procedures which divided the revenues among telephone companies. Second, AT&T managed the public switched network and through Western Electric and Bell Laboratories, planned the deployment of facilities and services and set standards for the provision of telephone service.

When AT&T was divested of its operating companies, a void was created. The financial responsibility exercised by AT&T was replaced by the National Exchange Carriers Association, which administers the banking function. However, the network planning and standard setting responsibilities for the telephone industry were not replicated by a similar mechanism. While the Nation's 1,300 telephone companies have sought to maximize the efficiency and reliability of the public switched network through voluntary arrangements, there is neither a comprehensive nor formal mechanism for overall network management. My colleagues and I believe that such management and planning is essential to ensure not only the continued interconnectivity and interoperability of the public switched network, but also to guarantee the reliability of the existing universal voice telephone service. Certainly, the dramatic network disruptions that occurred last summer in various parts of the country, were ample evidence that deployment of new technologies to upgrade the public switched networks must be done through a careful and prudent process. Our society and economy have too much at stake to allow anything less.

Therefore, Mr. President, our legislation provides for necessary changes in our national telecommunications policy to promote not only the continuation of our existing highly reliable, interoperable and interconnected public switched network, but also the evolution of that network.

Specifically, our legislation seeks to ensure:

Universal service at reasonable rates;

Universal availability of advanced network capabilities and information service;

A seamless nationwide distribution network;

High standards of quality for advanced network services; and

Adequate communications for public health, safety, defense, education, and emergency preparedness.

In other words, our legislation seeks to guarantee that every American, regardless of where they live, will have an opportunity to participate in the information age.

AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934

We would accomplish these goals by amending the Communications Act in two meaningful ways.

A. NETWORK PLANNING AND INTERCONNECTION STANDARDS

The legislation directs the FCC to prescribe, within 180-days of enactment, regulations that require joint coordinated network planning by local exchange carriers in the provision of the public switched network infrastructure and services.

In order to ensure the continued growth of competitive alternatives in long distance and local telephone service, the legislation further requires the development of standards for interconnection between the local exchange carriers' public switched network and other telecommunications providers and users. The standards are to be developed by appropriate standard-setting bodies.

B. INFRASTRUCTURE SHARING

To ensure that consumers served by smaller telephone companies or rural customers are not left behind in the information age, the legislation calls for regulations to empower local exchange carriers lacking economies of scale to obtain from another local exchange carrier, the sharing of that carrier's public switched network infrastructure. The legislation directs that when such a request for infrastructure sharing is made, the carrier receiving the request, is required to share its infrastructure.

The Commission has 180 days from enactment to promulgate regulations governing the business arrangements between local exchange carriers emanating from infrastructure sharing. In the short term, infrastructure sharing will ensure that all consumers have access to sophisticated services made available by introducing intelligence into the local telephone networks. Services such as caller I.D., return call, and call forwarding, are just the first generation of these intelligence services and these services may not be available in rural telephone exchanges unless the customers can access a sophisticated switch, owned by another company, in an adjoining service area. By the same token, the arrangements necessary for rural telephone customers to make 800 calls require access to sophisticated data bases. Apparently, routine services such as credit card calls cannot be offered by local telephone companies unless they have the ability to validate the credit card. This requires access to a data base which may be maintained by a different telephone company.

Other advanced services, such as new video conferencing and electronic imaging systems which could, for example, permit much closer consultation between practitioners in small rural clinics and specialists in major metro-

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Analysis

Signalling is an important technical component of an advanced telecommunications network. It functions as a separate network to set up, maintain and disconnect message traffic. Information passed over the signalling network may also inform the local exchange carrier about how to route a call, whom to bill and what features should be provided. The signalling function takes on added importance as more advanced functions, such as new information services, are offered to customers. Signalling infrastructure is very expensive and many local exchange carriers would therefore be unable to offer advanced information services to their customers without the authority granted in this bill.

The Bell Operating Companies ("BOCs") already have an exemption under the "Modification of Final Judgment" ("MFJ") to allow signalling for administrative services they provide for themselves. This section would allow BOCs upon request, to provide the same signalling services for LECs.

Intrastate Communication

This section makes clear that nothing in this bill supersedes state authority over intrastate communication.

Analysis

This section merely reaffirms State jurisdiction over intrastate communication services.

ANTITRUST IMMUNITY FOR LOCAL EXCHANGE CARRIERS

Section 4 provides antitrust immunity under the Sherman Act, Clayton Act, the Robinson-Patman Act, the FTC Act and all State Antitrust Laws for actions taken pursuant to the bill.

Analysis

A narrow antitrust immunity is required to implement the authority granted in the sections on network planning and standardization, infrastructure sharing and signalling. This section is needed so as to permit the contemplated activity to occur, to make clear that it is in the public interest and thus not in violation of the antitrust laws.

• Mr. GRASSLEY. Mr. President, I am delighted to join my colleague from Tennessee in introducing the Gore-Grassley Local Exchange Infrastructure Modernization Act of 1992.

With this legislation, we are literally paving the road to America's future—to improve our economy, to enhance our world competitiveness, and to maintain our preeminence in the field of telecommunications.

Today, we are taking decisive steps to assure that all Americans share the benefits of a modern telecommunications infrastructure, regardless of whether they live and work in rural or urban areas. These benefits include not only expanding job opportunities, but also the delivery of social services, education, and health care which are crucial to an improved quality of life.

At the outset, I want to extend my appreciation for the leadership and initiative of the officials and members of the U.S. Telephone Association [USTA] which represents well over 1,100 of America's local telephone companies.

For several years, I have been working hard to assure that rural Americans enjoy the benefits of state-of-the-art telecommunications services, and to seek the means to assure that rural economic development and rural quality of life are encouraged by these advances. For instance, I worked extensively to assist Iowa telephone companies put together what is now called the Iowa Network Services. And as a member of the congressional board to the Office of Technology Assessment, I requested that a study be conducted to determine how we can best encourage these rural development goals through telecommunications. More recently, during the consideration last year of S. 173, the Telecommunications Equipment Research and Manufacturing Competition Act of 1991, I worked vigorously to secure the adoption of the Pressler-Grassley rural telephone protection amendment.

Recognizing my keen interest and active involvement in rural telecommunications and economic development issues, last December, USTA representatives approached me to seek my leadership in shepherding this proposal through the Senate. Since this legislation will be referred to both the Senate Judiciary Committee and Commerce Committee, USTA wanted a lead Senator from both committees. I am proud to join Senator GORE in this task.

I am also pleased to note that this legislation has the wholehearted support of telephone interests which make up what is called the Rural Telephone Coalition. Its members include the National Rural Telecom Association, the National Telephone Cooperative Association and the Organization for the Protection and Advancement of Small Telephone Companies.

In a letter thanking me for my leadership in this effort, they stated that the bill "is of vital importance to all consumers. It will significantly help in preserving the availability of universal service at reasonable rates on the nation's local exchange network."

Mr. President, during the 1939 World Fair, the most popular attraction was General Motors' "Futurama" exhibit which provided a glimpse into the future. It was a look ahead to the year 1960.

Central to that 1939 vision of the future was a system of express highways which GM believed would be a key component in renewing America's cities, in developing rural areas, in creating new jobs, and in improving the efficiency of the economy.

Like many visions, it might have been dismissed as another impossible or impracticable utopia. But for the most part, what seemed impossible in 1939, became a reality.

And consequently, our Nation developed a modern system of interstate and State highways which has been crucial to the economic growth of largely rural areas such as my home State of Iowa.

Today, for example, there are nearly 113,000 miles of highways throughout the State of Iowa as well as 26,000 highway bridges. These highways and bridges are a critical part of the transportation infrastructure of our State which, along with our railroads, airports, and rivers, support our principal industries such as manufacturing, agriculture, finance, and services.

But just as in 1939, today we must have a vision of tomorrow. Today, we must see that a different kind of infrastructure will be just as critical to our ability to compete in an information economy.

It is the telecommunications infrastructure that will support the growth of new information-based industries and will permit existing information-intensive industries—such as the insurance industry which is a major presence in Iowa—to expand and to become more efficient.

Telecommunications infrastructure will also enable manufacturers to operate more efficiently and to develop products which will be more competitive in the global marketplace. For example, companies like John Deere which employs well over 13,000 families in Iowa, can take advantage of telecommunications to strengthen its position as a leader in the manufacture of farm machinery and equipment.

There is no question that the United States is well-positioned generally to compete in a global information economy. We have the best telecommunications infrastructure of any of the world's leading economic powers, including Japan. But how long will this last?

Mr. President, I would remind my colleagues that at one time the same could be said of our transportation infrastructure. Unfortunately, that is no longer the case. Of those 26,000 highway bridges in Iowa to which I referred, about 1 out of 3 is either functionally obsolete or structurally deficient.

In New York, that number is 2 out of 3 and we have all read stories of concrete and steel bridges in New York City being propped up by wooden pillars as a stopgap measure. By one estimate, we have an infrastructure deficit in this country of $750 billion. While Congress has recently enacted legislation to help close this gap in our traditional infrastructure, we are now being asked to pay the bills for years of neglect.

As we play catch-up, traffic flows freely over the autobahn in Germany and the French move ahead with high-speed trains.

I am concerned that this scenario—a decline from world leader to also ran—does not repeat itself in the arena of telecommunications.

To prevent that from happening, we must take steps today to see that our telecommunications infrastructure is modernized.

Furthermore, it is crucial that the benefits of a modern telecommunications infrastructure are available to all parts of the country. We cannot ensure long-term economic growth in this country if we fail to make the necessary investments in technology, capital and infrastructure.

Competition, and the proliferation of networks spawned by competition, are major factors in the relative strength of our telecommunications infrastructure today. However, equally important is the role played by the public switched telephone network.

I am particularly proud of the crucial role small telephone companies play in providing the local exchange portion of this network. Their facilities are among the most advanced in the world and these companies have been instrumental in extending the reach of the telephone network to nearly every household and business in the country.

There are over 150 telephone companies and cooperatives in my State of Iowa. In fact, Iowa has bragging rights to having more telephone companies than any other State.

Through my years of working with the people who own and operate these telephone companies, I have learned firsthand just how critical their role has been in facing the challenges of assuring that Iowans enjoy the technological advances in telecommunications which have come at breakneck speed.

The people behind Iowa's telephone companies care about their communities. They care about the economy, about jobs, and about the future of our children. And they realize that in this fast-moving information age, either rural Americans must get on board, or be left behind in the dust. Consequently, they have worked hard to overcome the challenges of advancing technology and the unique obstacles of difficult terrain and sparse population in order to deliver to Iowans state-of-the-art telecommunications services.

A study released last year by the Office of Technology Assessment gave me occasion to be very proud of Iowans who operate and manage our telephone companies. I serve on the congressional board to the OTA, and I had earlier requested that OTA analyze the links between communications technologies and rural economic development. The study is entitled "Rural America at the Crossroads: Networking for the Future."

One portion of the OTA study showcased the successful effort by 128 of Iowa's independent telephone companies to create what we call the Iowa Network Services as an example to be followed by other telephone companies from other States. By joining forces, the Iowa Network Services has been able to provide an independent fiber optic network as well as signalling system seven [SS7] which allows telephone company computers to communicate with each other.

My great appreciation for the tremendous foresight and leadership of these people is one reason I introduced recently a joint resolution designating September 14, 1992 as National Rural Telecommunications Services Week. So far, 51 Senators have joined me as cosponsors, but this is something all Senators should want to support. We should take time out to provide special recognition and offer a special thanks to the accomplishments and community contributions of the leaders of America's small independent telephone companies.

Certainly, words of praise, recognition, and thanks are warranted.

But America needs more than words from Congress; we need action. The Gore-Grassley Local Exchange Infrastructure Modernization Act of 1992 does just that.

America's telecommunications infrastructure, is, indeed, at a crossroad. Leadership from Congress today is crucial.

It was as recently as the end of World War II that almost half of the households in the United States did not have telephone service. The number of have-nots was even higher in rural states such as Iowa. But by adopting the right public policies, including the expansion of the Rural Electrification Administration Program, we have seen telephone penetration grow to 93.4 percent nationwide and to 95.6 percent in Iowa.

We must not allow ourselves to slip backward into an era of haves and have-nots. But to assure this, we must take steps to remove impediments to the modernization of the telephone network and to universal access to advanced network capabilities.

If we fail to take these steps, the effects would be especially severe in rural areas, particularly at a time when the rural economy in America is already facing serious problems. I would remind my colleagues that 24 percent of the Nation's population and 28 percent of its workforce live in rural areas.

A report prepared for the Rural Economic Policy Program of the Aspen Institute identified both the problem and the opportunity for rural America:

> What makes telecommunications so attractive as a rural development strategy is its potential for promoting long-term growth, diversification and stability. Rural communities are not just losing their traditional industries; they are not attracting the more specialized entrepreneurial businesses that provide value-added services to niche markets. By investing in an enhanced telecommunications infrastructure that can serve the information-intensive needs of today's businesses, rural America can hitch its wagon to a rising star.

Mr. President, a modern telecommunications infrastructure can help overcome the major disadvantage of rural communities—primarily distance from, and lack of access to, information sources, education, and health care. Telecommunications infrastructure can provide vital links which will permit expanded economic development in rural areas.

For example, telecommunications opens the door for workers in rural areas to a variety of jobs in the growing services sector of the economy that would otherwise be inaccessible to them. These include opportunities in insurance, financial services, telemarketing and other information-intensive sectors. Quality of life in rural America is also improved through a modern telecommunications infrastructure by facilitating the delivery of social services, education and healthcare.

On the other hand, the lack of access to a modern advanced telephone network, and to the services and applications it supports, could exacerbate the economic problems and diminish the quality of life in rural America.

The "Rural America at the Crossroads" OTA study I mentioned earlier provided several suggestions to help policymakers assure that rural economic development is encouraged, not discouraged, by rapid advances in telecommunications. It also warned that existing "regulatory restrictions and antitrust considerations often prevent or impede—the cooperation" by which "telecommunications providers can distribute the high costs and diminish some of the risk of investing in advanced telecommunications technology in rural areas."

Unfortunately, in the face of these regulatory and antitrust obstacles, we nevertheless expect and rely upon our Nation's 1,300 local exchange carriers to plan and manage the public switched network without the benefit of a formal agreement. Incredibly, in the aftermath of the breakup of the old Bell System and in an era of increasing competition, we are depending on goodwill and on voluntary cooperation among all these telephone companies to keep this critical portion of our infrastructure working.

Both of these problems are addressed in the Gore-Grassley legislation we are introducing today. The Local Exchange Infrastructure Modernization Act of 1992 has two objectives.

First, it will permit coordinated network planning by the local exchange carriers, including the development of standards for interconnection among the local exchange carriers and between those carriers and other telecommunications providers and users.

Second, it will permit the sharing of public switched network infrastructure among the local exchange carriers which is especially important for smaller telephone companies serving rural areas for the customers of those companies.

Achieving these objectives is extremely important for our nation as a

"CHAPTER 40—GOVERNMENT PRINTING OFFICE: ONLINE ACCESS TO GOVERNMENT ELECTRONIC INFORMATION

"Sec.
"4001. Establishment of program for access to electronic information.
"4002. Duties of Superintendent of Documents.
"4003. Fees.
"4004. Request for public comment; annual report.
"4005. Authorization of appropriations.

"§ 4001. Establishment of program for access to electronic information

"The Superintendent of Documents, under the direction of the Public Printer, shall establish a program for providing to the public access to public electronic information. The program (in this chapter referred to as the 'GPO Gateway') shall provide the public access to a wide range of government electronic databases in accordance with section 4002 of this title and shall be established and maintained after consultation with and consideration of comments from Federal agencies, potential users, and others likely to be affected by the program.

"§ 4002. Duties of Superintendent of Documents

"In establishing and maintaining the GPO Gateway, the Superintendent of Documents, under the direction of the Public Printer, shall—

"(1) within one year after the date of enactment of this chapter, provide electronic access to the Congressional Record and the Federal Register;

"(2) provide access to such agency databases as are reasonably appropriate, based upon input from Federal agencies,database users, libraries, and others likely to be affected;

"(3) rely, to the maximum extent feasible, upon agency computer and data storage systems and retrieval software for accessing agency databases;

"(4) enable agencies to utilize Government Printing Office computer systems, retrieval software, and data storage or contract for such facilities and services through the Government Printing Office;

"(5) provide for access to the GPO Gateway through a wide range of electronic networks, including the Internet and the National Research and Education Network, to allow broad, reasonable access to the data;

"(6) permit depository libraries to connect to, access, and search and retrieve information through the GPO Gateway without charge; and

"(7) facilitate the adoption of compatible standards for electronic publishing and dissemination throughout the Federal Government.

"§ 4003. Fees

"(a) Superintendent of Documents, under the direction of the Public Printer, may (except as provided in section 4002(e) of this title) charge reasonable fees for providing access to databases through the GPO Gateway. The Superintendent shall set such fees on the basis of subsection (b) of this section.

"(b)(1) The fee charged under this section for databases maintained by the Government Printing Office should approximate the Government Printing Office's incremental cost of dissemination of the data, without regard to section 1708 of title 44, United States Code.

"(2) The fee charged under this section for databases maintained by agencies and accessed through the GPO Gateway should approximate the incremental cost of dissemination of the data, which shall include the incremental costs incurred by the agencies to provide access through the GPO Gateway. Such costs shall be reviewed and approved by the Superintendent and the Superintendent shall reimburse the agency from the sales revenue received.

"§ 4004. Request for public comment; annual report

"The Superintendent of Documents, under the direction of the Public Printer, shall each year publish a notice in the Federal Register requesting public comment on the services, prices, and policies relating to the GPO Gateway and on such other issues as the Public Printer shall determine. On or before March 1 of each calendar year the Public Printer shall publish an annual report on the GPO Gateway describing the program; specifying the number of users, total revenues collected, and expenses reimbursed to each Federal agency; summarizing public comment on the GPO Gateway; and stating the steps the Public Printer has taken to address the comments received. Such report shall be submitted to the Committee on Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the Joint Committee on Printing.

"§ 4005. Authorization of appropriations

"There is authorized to be appropriated to the Government Printing Office for the purposes of this chapter only, $3,000,000 for fiscal year 1993 and $10,000,000 for fiscal year 1994, to be expended by the Superintendent of Documents.".

(b) The table of chapters for title 44, United States Code, is amended by adding at the end the following new item:

"40. Government Printing Office; Online Access to Government Electronic Information ..... 4001".•

By Mr. RIEGLE (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. PRYOR, Mr. COHEN, Mr. BOND, Mr. ROCKEFELLER, Mr. PRESSLER, Mr. GRAHAM, Mr. ADAMS, Mr. MOYNIHAN, Ms. MIKULSKI, Mr. DODD, Mr. DASCHLE, Mr. KENNEDY, Mr. HOLLINGS, Mr. LEAHY, Mr. SIMON, Mr. CRANSTON, Mr. JOHNSTON, Mr. SARBANES, Mr. BURNS, and Mr. BREAUX):

S. 2814. A bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries; to the Committee on Finance.

MEDICARE ENROLLMENT IMPROVEMENT AND PROTECTION ACT

• Mr. RIEGLE. Mr. President, last year I introduced S. 1574, the Medicare Enrollment Improvement and Protection Act of 1991 to solve the problems that keep low-income seniors and disabled citizens from receiving financial assistance with their out-of-pocket Medicare costs through the Qualified Medicare Beneficiary [QMB] Program. Today, I am reintroducing this legislation with minor technical modifications and improvements based on comments we received on the bill. I am pleased that Senators CHAFEE, MITCHELL, PRYOR, COHEN, BOND, ROCKEFELLER, PRESSLER, GRAHAM, ADAMS, MOYNIHAN, MIKULSKI, DODD, DASCHLE, KENNEDY, HOLLINGS, LEAHY, SIMON, CRANSTON, JOHNSTON, SARBANES, BURNS, and BREAUX have joined me in cosponsoring this important legislation.

Just 4 years ago, Congress acted to protect low-income seniors and disabled citizens from the increasing costs of deductibles, copayments, and premiums under the Medicare Program. The Qualified Medicare Beneficiary Program [QMB] was to be implemented by the Department of Health and Human Services [HHS] and the States beginning in 1989. For the 2.2 million seniors who are entitled to this benefit, the Medicaid Program pays for seniors' out-of-pocket expenses for Medicare coverage. These seniors could face direct costs in excess of which may be well over $1,000 a year if they are hospitalized just once, and that doesn't include copayments for physicians' services. Recently, a woman from Grand Rapids, MI, wrote to tell me that she had no idea she could get help with her Medicare premiums until she saw an article in the newspaper. She wrote "That $31.00 will help a lot with my prescriptions, which are over $100 a month, or it will help with food. But if this was passed a few years ago, how come I'm only getting it now?" Last year, a report by Families U.S.A. indicated that millions of Medicare beneficiaries nationwide are not receiving benefits to which they are entitled because they do not know they are eligible or face other barriers that make it difficult to apply for the benefits.

HISTORY OF NOTIFICATION AND COORDINATION PROBLEMS

I was among those who worked to preserve this benefit when the Medicare Catastrophic Coverage Act of 1988 was repealed. Since then, based on reports from national advocacy groups and Michigan citizens, I have initiated congressional letters to the Secretary of HHS pointing out problems of implementation and urging administrative changes and more outreach.

Together with many of my colleagues, 4 years ago, I asked Secretary Sullivan to notify beneficiaries about and fully implement this important program. Later, we wrote another letter calling on the Secretary to immediately design a program to seek out, notify, and enroll seniors and disabled persons eligible for the program. A recent followup report by Families U.S.A. indicates that almost half of the seniors eligible for this important benefit still have not received it.

This legislation improves the process of enrolling people into the QMB program. It strengthens information and notification programs, provides grants for outreach to a variety of organizations, and makes enrollment easier by implementing programs to accept applications and make them available in Social Security offices and by mail.

Mr. President, low-income seniors, especially those with serious medical problems, have a hard time meeting basic needs, such as food and rent. Congress intended to relieve some of their financial burden by alleviating their costs under Medicare. It's time we ensure they receive this relief, and I hope more of my colleagues will join me in supporting this bill.

I ask unanimous consent that a summary and the full text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Enrollment Improvement and Protection Act of 1992".

TITLE I—IMPROVING ENROLLMENT

SEC. 101. NOTIFICATION.

(a) IN GENERAL.—Section 1804 of the Social Security Act (42 U.S.C. 1395b-2) is amended—

(1) by striking "and" at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting ", and",

(3) by inserting after paragraph (3) the following new paragraph:

"(4) a clear, simple explanation (designed to attract the reader's attention and stated in plain English and any other language determined by the Secretary) of the eligibility requirements and application procedures for receiving payment of medicare cost-sharing (as defined in section 1905(p)(3)) by qualified medicare beneficiaries (as defined in section 1905(p)(1), qualified disabled and working individuals (as defined in section 1905(s)), and individuals described in section 1902(a)(10)(E)(iii).", and

(4) by adding at the end thereof the following new sentence: "The portion of the notice containing the explanation described in paragraph (4) shall also be prepared in a manner suitable for posting and shall be distributed to physicians, hospital offices, other medical facilities, and entities receiving grants from the Secretary for programs designed to provide services to individuals age 65 or older.".

(b) TOLL-FREE HOTLINE.—The Secretary of Health and Human Services shall establish a toll-free telephone number to provide individuals with information on medicare cost-sharing (as defined in section 1905(p)(3) of the Social Security Act (42 U.S.C. 1396d(p)(3)), including the availability of and requirements for obtaining such medicare cost-sharing, where to go for applications, and other information. All notices described in section 1804(4) of the Social Security Act (42 U.S.C. 1395b-2(4)) shall include this toll-free telephone number.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 102. USE OF SOCIAL SECURITY ADMINISTRATION OFFICES AND SIMPLIFIED APPLICATION PROCESSES.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end thereof the following new section:

"ALTERNATIVE LOCATIONS FOR PROCESSING APPLICATIONS FOR QUALIFIED MEDICARE BENEFICIARIES

"SEC. 1931. (a) IN GENERAL.—The Secretary, through the Social Security Administration and the Health Care Financing Administration, shall provide, as an alternative to the procedure established by State agencies under State plans under this title, a procedure (including appropriate training of personnel by the Health Care Financing Administration) to accept by mail or in-person an application form described in subsection (b) at Social Security Administration offices (and any other Federal office as determined by the Secretary).

"(b) SIMPLIFIED APPLICATION FORMS.—The Secretary shall develop a short simplified application form to determine if an individual meets the requirements for status as a qualified medicare beneficiary under section 1905(p)(1), a qualified disabled and working individual (as defined in section 1905(s)), or an individual described in section 1902(a)(10)(E)(iii). The form shall be developed with the consultation of consumer advocates and States agencies and shall be available in offices described in subsection (a).

"(c) ADDITIONAL USES OF FORMS.—The Secretary shall also use the form described in subsection (b) in periodic mailings (as determined by the Secretary) to individuals potentially eligible for the status described in such subsection, and shall provide such form to counselors in organizations described in section 106 of the Medicare Enrollment Improvement and Protection Act of 1992 for use in determining an individual's eligibility for such status.

"(d) SUBMISSION OF FORMS.—The application forms described in subsection (b) shall be referred to the appropriate State agency designated under this title for review and decision.

"(e) CERTIFICATION OF DETERMINATION OF STATUS.—(1) Notwithstanding subsection (d), if the Secretary, based upon an application described in subsection (b), makes a determination that an individual meets the requirements for the status described in such subsection, the Secretary shall certify such determination to the State in which the individual resides.

"(2) If the Secretary certifies to the State that an individual meets the requirements for such status, the individual shall be deemed to have met the requirements for such status.

"(3) Nothing in paragraph (2) shall be construed to prohibit a State from requiring an individual to continue to meet the requirements of such status after the individual is deemed to have met the requirements of such status under paragraph (2).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 103. MANDATORY DIRECT ENROLLMENT OF PART A ELIGIBLES.

(a) IN GENERAL.—Paragraph (1) of section 1818(e) of the Social Security Act (42 U.S.C. 1395i-2(e)) is amended by striking "shall, at the request of a State made after 1989, enter into a modification of an agreement entered into with the State pursuant to section 1843(a)" and inserting "shall enter into an agreement with each State under terms described in section 1843".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 104. OPTIONAL PRESUMPTIVE ELIGIBILITY.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920 the following new section:

"PRESUMPTIVE ELIGIBILITY FOR QUALIFIED MEDICARE BENEFICIARIES

"SEC. 1920A. (a) IN GENERAL.—A State plan approved under section 1902 may provide for making medical assistance available for medicare cost-sharing (as described in clauses (i), (ii), and (iii) of section 1905(a)(10)(E)) to qualified medicare beneficiaries (as defined in section 1905(p)(1)), qualified disabled and working individuals (as defined in section 1905(s)), and individuals described in section 1902(a)(10)(E)(iii) during a presumptive eligibility period.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

"(A) begins with the date on which a qualified provider determines, on the basis of preliminary information, that the family income of the individual does not exceed the applicable income level of eligibility under the State plan, and

"(B) ends with (and includes) the earlier of—

"(i) the day on which a determination is made with respect to the eligibility of the individual for medical assistance described in subsection (a) under the State plan, or

"(ii) in the case of an individual who does not file an application by the last day of the month following the month during which the provider makes the determination referred to in subparagraph (A), such last day; and

"(2) the term 'qualified provider' means any provider that—

"(A) is eligible for payments under a State plan approved under this title, and

"(B) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

"(c) DUTIES OF STATE AGENCY, QUALIFIED PROVIDERS, AND PRESUMPTIVELY ELIGIBLE INDIVIDUALS.—(1) The State agency shall provide qualified providers with—

"(A) such forms as are necessary for an individual described in subsection (a) to make application for medical assistance described in subsection (a) under the State plan, and

"(B) information on how to assist such individuals in completing and filing such forms.

"(2) A qualified provider that determines under subsection (b)(1)(A) that such an individual is presumptively eligible for such medical assistance under a State plan shall—

"(A) notify the State agency of the determination within 5 working days after the date on which the determination is made, and

"(B) inform the individual at the time the determination is made that such individual is required to make application for such medical assistance under the State plan by no later than the last day of the month following the month during which the determination is made.

"(C) Such an individual who is determined by a qualified provider to be presumptively eligible for such medical assistance under a State plan shall make application for such medical assistance under such plan by no later than the last day of the month following the month during which the determination is made.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to calendar quarters beginning on or after January 1, 1993, without regard to whether or not regulations to implement such amendment are promulgated by such date.

a wholly owned U.S. Government corporation by the Export-Import Bank Act of 1945. The principal role of the Eximbank is to promote U.S. exports by aiding in their financing. The Eximbank has a variety of export financing programs, including direct loans, financial guarantees to private lenders, commercial, and political risks credit insurance and working capital guarantees.

This year's reauthorization of the Eximbank is most important because exports are crucial to our nation's economic health and export financing is a key component of export competitiveness. The United States cannot neglect this area, as it has neglected so many other areas essential to our nation's economic competitiveness during the last decade. Congress must ensure that the Eximbank has the resources to enable it to fulfill its statutory mandate to provide financing on terms and conditions which are fully competitive with those offered by foreign official export credit agencies. It was the Congress that saved the Eximbank's direct lending program when some in the Reagan administration tried to eliminate that program in the 1980's. The Reagan and Bush administrations have not understood that we are in an age of global economic competition. We have no national competitiveness strategy and no national export promotion and financing strategy. In contrast, our principal competitors, in mapping out their national economic strategies, have recognized the crucial role of export financing.

I am working with the chairman of the International Finance and Monetary Policy Subcommittee of the Banking Committee, Senator SARBANES, to craft legislation to renew and amend the Eximbank Act and to ensure that our export promotion efforts are based on a comprehensive and coordinated strategy. I would hope that we might move this legislation before the end of July.

I ask unanimous consent that the administration's bill I am introducing with Senator GARN be printed in the RECORD, together with the sectional analysis.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2815

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SEC. 101. Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A)) is amended by striking out the last sentence in that subparagraph in its entirety.

SEC. 102. (a) Section 2(b)(2)(B)(i)(I) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(B)(i)(I)) is amended by striking out "Marxist-Leninism" and inserting in lieu thereof "Marxism-Leninism".

(b) Section 2(b)(2)(B)(i)(II) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(B)(i)(II)) is amended by striking out "the Union of Soviet Socialist Republics or on any other Marxist-Leninist country" and inserting in lieu thereof "any other country which maintains a centrally planned economy based on the principles of Marxism-Leninism".

(c) Section 2(b)(2)(B)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(B)(ii)) is hereby repealed.

(d) Section 2(b)(2)(B)(i) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(B)(i)), as amended by subsection (a) of this section, is amended by:

(1) redesignating clause 2(b)(2)(B)(i) as subparagraph 2(b)(2)(B); and

(2) redesignating subclause 2(b)(2)(B)(i)(I) as clause 2(b)(2)(B)(i), and

(3) redesignating subclause 2(b)(2)(B)(i)(II) as clause 2(b)(2)(B)(ii).

(e) Section 2(b)(2)(C) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(C)) is hereby repealed.

(f) Section 2(b)(2)(D)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(D)(ii) is hereby repealed.

(g) Section 2(b)(2)(D)(iv) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(D)(iv)) is hereby repealed.

(h) Section 2(b)(2)(D) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(D)), as amended by subsection (f) and (g) of this section, is amended by:

(1) redesignating subparagraph 2(b)(2)(D) as subparagraph 2(b)(2)(C); and

(2) redesignating clause (iii) as clause (ii).

SEC. 103. (a) Section 2(b)(3)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(3)(ii)) is amended by striking out "(ii) in an amount" and all that follows through "Union of Soviet Socialist Republics,".

(b) Section 2(b)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(3)), as amended by subsection (a) of this section, is amended by redesignating clause (iii) as clause (ii).

SEC. 104. (a) Section 2(b)(6)(B)(vi) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(B)(vi)) is hereby repealed.

(b) Section 2(b)(6)(B)(iv) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(B)(iv)) is amended by inserting "and" after "United States;".

(c) Section 2(b)(6)(B)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(B)(v)) is amended by:

(1) inserting "loan," before "guarantee"; and

(2) striking "; and", and inserting in lieu thereof a period.

SEC. 105. (a) Section 2(b)(9)(A)(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(A)(c)) is hereby repealed.

(b) Section 2(b)(9)(A)(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(A)(a)) is amended by inserting "or" after "enforce apartheid;".

(c) Section 2(b)(9)(A)(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 365(b)(9)(A)(b)) is amended by striking out "; or" after "that determination" and inserting in lieu thereof a period.

(d) Section 2(b)(9)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)) is amended by striking out "The certification requirement" and all that follows in that paragraph.

SEC. 106. (a) Section 2(b)(11) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(11)) is hereby repealed.

(b) Section 2(b)(12) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(12)) is hereby repealed.

SEC. 107. Section 3(d)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d)(1)(A)) is amended by striking out "twelve" and inserting in lieu thereof "15".

SEC. 108. (a) Section 7(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended by striking out "$40,000,000,000" and inserting in lieu thereof "$75,000,000,000".

(b) Section 2(c)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(c)(1)) is amended by striking out the first two sentences and by striking out from the third sentence all that follows after "Fees and premiums shall be charged" and inserting in lieu thereof "commensurate, in the judgment of the Bank, with risks covered in connection with the contractual liability which the Bank incurs for guarantees, insurance, coinsurance, and reinsurance against political and credit risks of loss".

SEC. 109. (a) Section 7(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is hereby repealed.

(b) Section 7(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended by:

(1) redesignating paragraph 7(a)(1) as subsection 7(a); and

(2) redesignating clause 7(a)(2)(A)(i) as subparagraph 7(b)(1)(A); and

(3) redesignating subclauses 7(a)(2)(A)(i)I, II, and III as clauses 7(b)(1)(A) (i), (ii), and (iii), respectively; and

(4) redesignating clause 7(a)(2)(A)(ii) as subparagraph 7(b)(1)(B); and

(5) redesignating clause 7(a)(2)(B)(i) as subparagraph 7(b)(2)(A); and

(6) redesignating clause 7(a)(2)(B)(ii) as subparagraph 7(b)(2)(B); and

(7) redesignating paragraph 7(a)(3) as subparagraph 7(c).

(c) Section 613 of the Trade Act of 1974 (19 U.S.C. 2487) is hereby repealed.

SEC. 110. Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1998".

SEC. 111. (a) Section 9(d) of the Export-Import Bank Act of 1945 (12 U.S.C. 635g(d)) is hereby repealed.

(b) Section 9(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635g(e)) is hereby repealed.

SEC. 112. (a) Section 15(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(c)(2)) is amended by striking out "through fiscal year 1992".

(b) Section 15(e)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(e)(1)) is amended by:

(1) inserting in the first sentence thereof ", and for each of fiscal years 1993 and 1994, such sums as may be necessary to carry out the purposes of this section" after "$500,000,000"; and

(2) striking out from the second sentence "until expended" and inserting in lieu thereof "through September 30, 1994".

SECTION-BY-SECTION ANALYSIS

Section 101 of the bill repeals the requirement enacted in the early 1970's that Eximbank include in its Annual Report to Congress a statement assessing the impact of each Eximbank loan made to foreign borrowers for the development of energy-related industries abroad on the availability of energy products, services, or supplies in the United States. Since the availability of such equipment and services is no longer a concern, this requirement has been deleted.

Section 102 of the bill recognizes the major changes that have taken place in the world since Section 2(b)(2) of the Export-Import Bank Act of 1945, as amended, was last amended and modifies the prohibitions on Eximbank support for exports to Marxist-

Leninist countries. The new provision defines a Marxist-Leninist country as any country which maintains, or is economically or militarily dependent on any other country which maintains, a centrally planned economy based on the principles of Marxism-Leninism. This section also repeals the Marxist-Leninist country list, but maintains the requirement of a presidential determination to enable Eximbank to support exports destined for "Marxist-Leninist" countries. Finally, this section eliminates the requirement that a separate determination be issued for all transactions involving Marxist-Leninist countries in excess of $50,000,000.

Section 103 eliminates the requirement that Eximbank notify Congress of the details of all financing in support of exports of fossil fuel technology to the Soviet Union. Instead, like any other transaction, these transactions would be subject to the other reporting requirements contained in section 2(b)(3) of the Export-Import Bank Act of 1945.

Section 104 extends Eximbank's authority to finance the sale of defense articles to foreign countries when the articles will be used for anti-narcotics purposes. Instead of a separate termination date, authorization for this program will now expire when Eximbank's charter expires.

Section 105 eliminates the requirement that the Secretary of State certify that any private buyer of U.S. exports in South Africa seeking Eximbank financing has proceeded to implement the so-called "Sullivan" principles regarding human rights. This section recognizes the progress that has taken place in South Africa in recent years and would enable Eximbank to finance exports to the private sector in South Africa in the same way that it finances exports to the private sector in any other country where Eximbank is open for business.

Section 106 recognizes the changes in the political and economic situation in Angola and eliminates two prohibitions on Eximbank financing in support of exports to Angola. Currently, Eximbank may not provide financing for exports to Angola unless the President certifies that (1) no combatant forces of Cuba or any other Marxist-Leninist country remain in Angola, and (2) that free and fair elections have been held in Angola and that the Government of Angola has taken steps to implement various human rights reforms. This section eliminates these provisions in their entirety. As long as Angola is considered a Marxist-Leninist country, a presidential determination would be required under Section 2(b)(2) before Eximbank could finance U.S. exports to that country.

Section 107 increases the size of Eximbank's Advisory Committee from 12 to 15 members.

Section 108 increases the ceiling on the total amount of support that may be outstanding under all of Eximbank's programs at any one time from $40 to $75 billion. This change allows for the recent expansion in the Bank's activities which is expected to continue in the future. In addition, the section recognizes the impact of credit reform on budgetary accounting and provides for guarantees, insurance and direct loans to be charged in the same way against this ceiling.

Section 109 repeals the $300,000,000 aggregate annual limit contained in both section 7(b) of the Export-Import Bank Act and section 613 of the Trade Act of 1974 on loans, guarantees, or insurance issued by Eximbank in support of exports destined for the Soviet Union. This section also removes the prohibitions and limitations on exports destined for the Soviet Union in support of fossil fuel research, exploration, production, processing and distribution.

Section 110 authorizes Eximbank to continue to provide financing in furtherance of its purposes and objectives until September 30, 1998.

Section 111 repeals the requirement that Eximbank include in its Annual Report to Congress a statement detailing the actions taken by Eximbank to maintain the competitive position of "key linkage" industries in the United States. This provision is unnecessary in light of the detailed reporting contained elsewhere in the Annual Report.

Section 111 of the bill also eliminates the requirement that the Comptroller General of the United States submit a report to Congress on Eximbank's interest subsidy payment program since the authority for that program has now expired.

Section 112 extends Eximbank's tied aid credit fund for two years through fiscal year 1994 and authorizes appropriations for the program for such fiscal years in such amounts as may be necessary to fulfill the purpose of the fund. Continuation of the tied aid credit fund will permit Eximbank to enforce compliance with and facilitate efforts to negotiate and establish international arrangements restricting the use of tied aid and untied aid credits.

Mr. GARN. Mr. President, I rise today to join the chairman of the Banking Committee in introducing the administration's Export-Import Bank charter renewal legislation. Avoiding any disruption of Bank authority is vitally important at a time when United States exporters are looking to the Bank to support expanding sales to Latin America and the newly emerging markets in the former Soviet Union. If export expansion is to continue to be a source of growth for the U.S. economy, it is critical that the Congress move expeditiously to extend the Bank's authority.

Eximbank's record over the last few years has been very impressive under the leadership of John Macomber. Exports assisted in 1991 were at their highest level in 10 years, up nearly 30 percent over 1990. Assisted exports should climb to $13 billion in 1992. Not only are the levels impressive but the program innovations and new products being launched by the Bank hold great promise for continued expansion of assistance to our exporters in the future.

The Bank's guarantee programs have helped to attract a growing number of commercial banks back into export financing. New and innovative financing approaches, such as the Bank's bundling program, have created new mechanisms for financing smaller deals and packaging them for sale into the capital markets. The Bank is pursuing project financing and cofinancing arrangements with Japan in order to expand the range of possible support for United States exporters. Direct support for small and new exporters is being expanded through new outreach programs and fine tuning of the Bank's working capital and insurance programs.

Another major achievement in the last year has been the negotiation of a new and tougher international agreement restricting the use of tied-aid credits for commercially viable projects. If aggressively monitored and enforced, this new agreement holds great promise of restricting the distortion of trade flows through use of predatory financing subsidies by foreign governments.

I have long supported the Export-Import Bank and I believe that the recent record certainly justifies continued strong support for the institution. It is my hope that the Congress will use the occasion of this charter extension to support strongly the initiatives the Bank has launched and to do so with a minimum of controversy and all possible speed. I urge the support of my colleagues for this legislation.

ADDITIONAL COSPONSORS

S. 1324

At the request of Mr. METZENBAUM, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1324, a bill to amend the Public Health Service Act to generate accurate data necessary for continued maintenance of food safety and public health standards and to protect employees who report food safety violations, and for other purposes.

S. 1557

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1557, a bill to improve the implementation and enforcement of the Federal cleanup program.

S. 1578

At the request of Mr. THURMOND, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Michigan [Mr. LEVIN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 1578, a bill to recognize and grant a Federal charter to the Military Order of World Wars.

S. 1698

At the request of Mr. SARBANES, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 1698, a bill to establish a National Fallen Firefighters Foundation.

S. 1912

At the request of Mr. DOMENICI, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1912, a bill to amend the Public Health Service Act and the Social Security Act to increase the availability of primary and preventive health care, and for other purposes.

S. 1932

At the request of Mr. BUMPERS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1932, a bill to amend the Internal Revenue Code of 1986 to provide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented ven-

Mr. President, the deeply troubling events that are unfolding in the Balkans threaten not only the people of that region; the threat of an ever-widening conflict is real. Thus far, the United Nations has condemned the aggression and introduced sanctions. But as of yet, while there are expressions of hope for peace, there are denials that the United Nations should consider enforcing the peace with an international military force if necessary.

I believe the United Nations should consider enforcing the peace with an international military force and one step toward that is adopting a plan and a budget to do it.

The United States should do at least two things, one short-term and specific to the war in the Balkans and one long-term and broader. The United States needs to exercise leadership in the Security Council to see that United Nations experts obtain a plan to bring peace to the former Republics of Yugoslavia. How much would it cost, and how big a force would it take? What specifically would be necessary? Only when there are answers to those questions can the world rationally decide on the best course, and seeking such an estimate could also signal serious intent and concern.

It is not enough to state, as the Secretary General did recently, that neither a peacekeeping effort nor an enforcement effort is at present feasible for Bosnia, when it has not been estimated what it would take to stop this war before it spreads, perhaps consuming a whole region and destroying a historic opportunity for the creations of multinational mechanisms to prevent such wars, and that leads to my next point.

The United States can and should lead in the creation of an international United Nations sanctioned force to quell regional conflicts pursuant to chapter 7 of the United Nations Charter. The United States cannot and should not be the world's policemen enforcing our will through massive military superiority.

The United States cannot unilaterally sustain that policeman role morally or politically or economically, nor should it try. But the United States is probably the only nation on earth with the moral authority and military leadership capable of leading an effort to create new broad-based international collective arrangements to prevent emerging threats to peace from developing.

The escalating war in what used to be Yugoslavia is a clear example of why such an arrangement is needed.

The carnage in the Balkans shows no sign of letup, and the possibility of spilling into Kosovo and Macedonia and beyond is real. If that happens, other nations in the area may become involved, and the end result would be an ever-broadening tragedy.

The U.N. Security Council has passed numerous resolutions denouncing the rapidly deteriorating situation in the former republics of Yugoslavia. One resolution follows another. On April 7, 1992, the Security Council unanimously passed Resolution 752 that demands that all parties in Bosnia stop the fighting immediately and demands that all forms of interference from outside Bosnia cease. The resolution also demands that units of the Yugoslav People's Army [JNA] and elements of the Croatian Army must either be withdrawn or be disbanded and disarmed under international monitoring. These demands, as well as the demand that all irregular forces in Bosnia be disbanded and disarmed, were not met, so the U.N. Security Council passed Resolution 757 on May 30, 1992. Resolution 757 reaffirms the previous U.N. resolutions on the conflict in what used to be Yugoslavia, and institutes sanctions against Serbia and Montenegro. These sanctions include a ban on all trade with the republics of Serbia and Montenegro—excluding medicine and food—severing international air travel, suspending cultural and scientific exchanges, and exclusion from international athletics, including the Olympics.

But, the United Nations is not utilizing or creating or even considering an enforcement mechanism to ensure that these demands are met.

Serbian Orthodox Church itself openly denounced the Milosevic regime, breaking almost 50 years of silent submission to Communist power. In an unprecedented condemnation, the Bishops' Assembly of the Serbian Orthodox Church last week called for the replacement of the current regime with a government of "national salvation and national unity."

Recently, former U.N. Ambassador Jeane Kirkpatrick wrote about the war in the Blakans, and the lack of international will and leadership to stop it. She wrote:

> How flimsy the structures of conflict resolution and peacekeeping turn out to be. How limited the Western commitment to collective security is when confronted with guns and determination—even when slaughter and civil war occur in the heart of Europe, in the very city where World War I was born.

Ambassador Kirkpatrick went on to write:

> Without the option of force to deal with force, there is no collective security. Neither diplomacy nor economic sanctions are an adequate shield against tanks and mortars.

Ambassador Kirkpatrick concludes:

> There is anarchy today in Yugoslavia. There is timidity in Brussels and Washington. So let us not speak yet of a new world order. It remains to be built.

Leslie Gelb, the Foreign Affairs writer for the New York times, put it this way:

> The United Nations, the European Community and the United States keep on threatening the killers with ever greater diplomatic and economic sanctions. And the killers just go on about their deadly business. * * * Everyone concerned with the Yugoslavia problem knows there is only one decent chance to stop this horror: Peacemakers have to establish the only kind of credibility killers understand. They have to convince themselves, and then convince the Milosevics, that they are ready and able to use force.

Mr. President, in summary, we urge the President to seek a Security Council directive to U.N. officials to present a plan to the world about what it would take to resolve the war in the Balkans. We do this because, at a minimum, the nations of the world should know what it would take to stem this war before it expands and consumes all that is near. It is possible at least that the world community will accept the risks and the costs because those costs are likely to be less now than what they are likely to be without such intervention. Further, it is also possible the world will decide to take advantage of the present unique moment in world history when it may be possible to create an effective international, broad-based, multilateral fire brigade to stop threats to international security at their source by the unanimous vote of the U.N. Security Council. Until the collapse of the Soviet Union, the Soviet's veto in the Security Council was used in endless cold war confrontations and "Nyets." Russia has now assumed that seat on the Security Council, and the recent nonuse of its veto opens an important door for the first time in 50 years.

Mr. President, the threat is ominous. The opportunity may never come again. That is why it is important that the President urge the United Nations to come up with a specific plan and budget of what it would entail to enforce the resolutions the Security Council has already passed concerning the carnage occurring in the former republic of Yugoslavia. That is what this resolution by Senators MITCHELL and DOLE and I provides for, and I urge its prompt consideration by the Senate.

SENATE RESOLUTION 307—RELATIVE TO DEFICIT REDUCTION

Mr. DANFORTH (for himself, Mr. GRAHAM, Mr. BOND, Mr. COHEN, Mr. CONRAD, Mr. DECONCINI, Mr. LEVIN, Mr. ROBB, and Mr. RUDMAN) submitted the following resolution; which was referred to the Committee on the Budget:

S. RES. 307

Whereas the Senate affirms that—

(1) the growing national debt is a legacy of bankruptcy which will make America's economy steadily weaker and more vulnerable than it is today;

(2) to amass a national debt of $4,000,000,000,000 and an annual deficit of $400,000,000,000 is to breach trust with present and future Americans; and

(3) national interest in controlling the deficit takes precedence over partisan advantage;

Whereas we believe that—

(1) it is the responsibility of candidates for President and for Congress to discuss the deficit, if the priority issues facing our country are to be effectively and honestly addressed; and

(2) the American people will provide a mandate for governmental action, if given information and serious choices for deficit reduction that calls for shared sacrifice; and

Whereas the Senate states that—

(1) the frequency and level of public comment on this issue by public officers and candidates, including those who hold and seek the office of the President, are so insignificant as to constitute irresponsibility;

(2) by and large, the candidates, Congress, and the media have ignored or trivialized this issue by suggestions such as that meaningful deficit reduction can be accomplished merely by attacking waste, fraud, and abuse;

(3) entitlement and interest spending are the fastest growing components of the Federal budget and are at an all-time high;

(4) other than taxes devoted to Social Security pensions, the level of taxation relative to the United States economy has been lower in the last decade than it was in any year between 1962 and 1982;

(5) the existing reckless Federal fiscal policy cannot be addressed in a meaningful way without including consideration of restraining entitlements and increasing taxes, as well as reducing defense and domestic spending; and

(6) to suggest that meaningful deficit reduction can be accomplished without shared sacrifice constitutes deception of the American people: Now, therefore, be it *Resolved*, That the Senate calls upon—

(1) public officials and candidates for public office to make proposals and engage in extensive and substantive discussion on reducing the deficit;

(2) the candidates for President to agree to a formal discussion that focuses entirely on the Federal budget deficit, its implications and solutions; and

(3) all candidates for office to affirm their support for this statement of principles and to resolve, in the course of their campaigns, to seek a mandate from the electorate with which they can effectively address the Federal budget deficit if elected.

SENATE RESOLUTION 308—CONDEMNING THE ASSASSINATION OF JUDGE GIOVANNI FALCONE

Mr. D'AMATO (for himself, Mr. BIDEN, Mr. DECONCINI, and Mr. DOLE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 308

Whereas, Judge Giovanni Falcone was brutally assassinated along with his wife Francesca on a highway outside of Palermo, Italy on May 23, 1992;

Whereas, his death was an attack on the state of Italy and the Italian-American Working Group, of which Judge Falcone was a member, and which is jointly chaired by the Attorney General of the United States and the Italian Minister of the Interior, and which is dedicated to the investigation and prosecution of organized criminal activities.

Whereas, Judge Falcone has achieved the status of national hero for his great work;

Whereas, he led a successful operation that culminated in the December 1987 convictions of 342 Mafiosi, who received a total of 2,665 years in prison, including 19 life sentences for their legion of crimes;

Whereas, he successfully pursued major international investigations including the 1986 New York "Pizza Connection" cases that led to the conviction of 17 people for importing heroin worth $1.6 billion;

Whereas, Judge Falcone was the Justice Ministry's Director of Penal Affairs and was in line to be nominated for the post of "super anti-Mafia prosecutor," a position which he had long advocated;

Whereas, his intricate knowledge of the Mafia created enormous confidence among informers and investigators alike: Now, therefore, be it

Resolved, It is the sense of the Senate that—

(1) the assassination of Italian Judge Giovanni Falcone is a profound loss to Italy, the United States, and the world and is strongly condemned; and

(2) the Italian-American Working Group, of which he was a member, should vigorously continue its primary mission as well as investigate and prosecute those who perpetrated this violent crime.

• Mr. D'AMATO. Mr. President, I rise today to introduce a Senate resolution to condemn the assassination of Italian Judge Giovanni Falcone. I was privileged to meet and get to know Judge Falcone. His death is a profound loss. There are few people that I have known who possessed as much fortitude and courage as did Judge Falcone.

Judge Falcone, along with his wife, Judge Francesca Morvillo, and three bodyguards, were murdered in cold blood last week on a highway while traveling from the Punta Raisi Airport in Palermo. While his assassins may have silenced Judge Falcone, they have caused an uproar in the international community and a resolve to pursue his vision of justice.

Judge Louis Freeh, a Federal judge in the Southern District of New York, in an article entitled "The Stuff of Heroes," states:

Judge Falcone led a great crusade against the octopus which has gripped his native Sicily with its evil for centuries. Against overwhelming obstacles this man of the law rose up with remarkable fearlessness. In 1986, he engineered Italy's historic judicial assault on the Mafia in a mass trial which resulted in 350 Mafia members sentenced to long prison terms. In his wake, the powerful coterie of village and provincial Mafia leaders who rule the island underworld and exported death and terrorism throughout the world retreated.

In 1980, Judge Falcone began prosecuting Mafia cases as an investigating magistrate. Unfortunately, some of his magistrate colleagues were also murdered by these criminal cowards. Last year Judge Falcone was appointed Director-General of Criminal Affairs at the Ministry of Grace and Justice. As a result of his remarkable ability and perseverance, he was in line to become Italy's first chief anti-Mafia prosecutor.

Judge Falcone was a member of the Italian-American working group which was established to further joint prosecutions in Italy and the United States. In 1985, the famous "pizza connection" prosecutions in New York and Italy led to the conviction of scores of criminals. This is where Judge Louis Freeh, formerly an assistant U.S. attorney, began a working relationship with Judge Falcone. This heinous attack on Judge Falcone was, in reality, an attack on this working group and the successes it had. The United States must, now more than ever, be resolved to carry on the work of this brave man.

According to Judge Freeh, the response by the working group to this violent attack should be the following:

Convening an emergency meeting to adopt a joint prosecutive plan;

Posting a reward not to exceed $500,000 for information regarding this act of terrorism;

Asserting U.S. statutory jurisdiction for prosecuting this case under the extraterritorial provisions of the Federal Witness Protection Act;

Relying upon enterprise [RICO] and well-settled conspiracy principles to target this assassination for Federal prosecution; and

Employing all available law enforcement techniques and international justice assistance operations to identify the perpetrators of this crime.

On June 8, 1987, Judge Falcone appeared as a witness at a Senate caucus on international narcotics control hearing in New York on the topic of "The National and International Security Threat of Narcotics Trafficking." It became apparent that this gentle and decent man faced danger every day. He traveled with many bodyguards. His house was a virtual fortress and he lived under constant fear for his family. But this did not deter him. He was not easily intimidated. He believed that the pursuit of justice was more important than his life.

It was indeed a distinct honor to have known this man. As Judge Freeh writes, "The memory of Judge Falcone will linger fondly with all who were privileged to be his colleagues, and honored to have been his friends. His work and death exemplify the beatitude of true public service with all of the humility and integrity which permeated Judge Falcone's entire life. He was * * * a model and wellspring from which all public servants and decent people can forever draw strength."

Mr. President, I strongly urge all my colleagues to support this important resolution.•

SENATE RESOLUTION 309—AUTHORIZING TESTIMONY BY A SENATE EMPLOYEE

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 309

Whereas in the case of Robinson v. Addwest Gold, Inc., et al., Civ. No. 91-20-BU-

order which determines that there is not a material issue of fact with respect to the complaint and—

"(i) which finds that the violation has not occurred and dismisses the complaint; or

"(ii) which finds that the violation has occurred and sets out the remedies and penalties that the Secretary determines are appropriate for the violation and the information forming the basis for such finding;

"(B) a consent order which sets out the remedies and penalties which the Secretary determines are appropriate and to which the alleged violator has agreed; or

"(C) for a determination of whether or not the violation has occurred and appropriate remedies and penalties for the violation if the violation has occurred, an order instituting a proceeding which includes an oral hearing on the record before an administrative law judge in accordance with section 554 of title 5, United States Code.

"(3) PARTIES TO AN ALJ PROCEEDING.—If the Secretary issues an order instituting a proceeding before an administrative law judge under this subsection, both the Department of Transportation and the person filing the complaint shall be parties to the proceeding if they so elect, and the administrative law judge may designate additional parties to the proceeding.

"(4) POWER OF ALJ TO COMPEL PRODUCTION OF DOCUMENTS.—An administrative law judge to whom a complaint under this subsection is assigned may compel the production of documents and other information necessary to determine whether the violation has or has not occurred.

"(5) DEADLINE FOR ALJ DECISION.—Not later than the 180th day following the date on which the Secretary issues an order instituting a proceeding before an administrative law judge under this subsection, the judge shall issue an order—

"(A) which finds that no violation has occurred and dismisses the complaint; or

"(B) which finds that a violation has occurred and sets out the remedies and penalties that the administrative law judge determines are appropriate for such violation.

"(6) DEADLINE FOR FINAL ORDER.—Not later than the 60th day following the date of issuance an order by an administrative law judge under this subsection, the Secretary shall issue a final order with respect to the complaint. If the Secretary does not issue the final order by the last day of such 60-day period, the order of the administrative law judge shall be deemed to be a final order of the Secretary.

"(g) TREATMENT OF CERTAIN REDUCED CRS SERVICES.—If any computer reservation system service being provided to a participant in such system for a participant fee is reduced without a corresponding reduction in the participant fee, the participant fee shall be treated, for purposes of this section, as being increased by the vendor.

"(h) REGULATIONS.—

"(1) GENERAL AUTHORITY.—The Secretary may issue regulations to carry out the objectives of this section and such other regulations relating to computer reservation systems as the Secretary determines appropriate. Such regulations shall not be inconsistent with the provisions of this section.

"(2) ENFORCEABILITY.—The enforceability of this section shall not be affected by any delay or failure of the Secretary to issue regulations to carry out the objectives of this section.

"(i) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) ARBITRATOR.—The term 'arbitrator' means either an individual not associated with any party or a panel of 3 such individuals.

"(2) COMPUTER RESERVATIONS SYSTEM.—The term 'computer reservations system' means—

"(A) a computer system which is offered to subscribers for use in the United States and contains information on the schedules, fares, rules, or seat availability of 2 or more separately identified air carriers and provides subscribers with the ability to make reservations and to issue tickets; and

"(B) a computer system which was subject to the provisions of part 255 of title 14 of the Code of Federal Regulations (relating to computer reservation systems) on June 1, 1991.

"(3) COMPUTER SYSTEM.—The term 'computer system' means a unit of one or more computers, and associated software, peripherals, terminals, and means of information transfer, capable of performing information processing and transfer functions.

"(4) INTERNAL RESERVATION SYSTEM.—The term 'internal reservation system' means a computer system which contains information on airline schedules, fares, rules, or seat availability and is used by an air carrier to respond to inquiries made directly to the carrier by members of the public concerning such information and to make reservations arising from such inquiries.

"(5) INTEGRATED DISPLAY.—The term 'integrated display' means a computerized display of information which relates to air carrier schedules, fares, rules, or availability and is designed to include information pertaining to more than 1 separately identified air carrier. Such term excludes the display of data from the internal reservations system of an individual air carrier when provided in response to a request by a ticket agent relating to a specific transaction.

"(6) PARTICIPANT.—The term 'participant', as used with respect to a computer reservations system, means an air carrier which has its flight schedules, fares, or seat availability displayed through such system.

"(7) PARTICIPANT FEE.—The term 'participant fee' means any fee, charge, penalty, or thing of value contractually required to be furnished to a vendor by a participant for display of the flight schedules, fares, or seat availability of the participant through the computer reservation system of the vendor or for other computer reservation system services provided to the participant.

"(8) PARTICIPANT TRANSACTION CAPABILITY.—The term 'participant transaction capability' means a service, product, function, or facility with respect to any computer reservation system which is provided by a vendor to any participant and which is capable of benefiting the air transportation business of such participant, including the quality, reliability, and security of communications provided by the vendor linking such vendor's computer reservation system to the computer system or data bases of any participant, the loading into the system of information on schedules, fares, rules, or seat availability, the booking or assignment of seats, the issuance of tickets or boarding passes, the retrieval of data from the system, or a means of determining the timeliness with which a participant will receive payment for air transportation sold through the system.

"(9) PROTOCOL.—The term 'protocol' means a set of rules or formats which govern the information transfer between and among computer reservation systems, participants, and subscribers.

"(10) SUBSCRIBER.—The term 'subscriber' means a ticket agent which uses a computer reservation system in the sale and issuance of tickets for air transportation.

"(11) SUBSCRIBER CONTRACT.—The term 'subscriber contract' means an agreement, and any amendment thereto, between a ticket agent and a vendor for the furnishing of computer reservations services to such subscriber.

"(12) SUBSCRIBER TRANSACTION CAPABILITY.—The term 'subscriber transaction capability' means any capability offered through a computer reservation system to a subscriber with respect to air transportation, including the capability of a ticket agent through a computer reservations system to view information on airline schedules, fares, rules, and seat availability or to book space, assign seats, or issue tickets or boarding passes for air transportation to be provided by air carriers.

"(13) VENDOR.—The term 'vendor' means any person who owns, controls, or operates a computer reservations system.".

(b) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents contained in the first section of the Federal Aviation Act of 1958 is amended by adding at the end of the matter relating to title IV of such Act the following:

"Sec. 420. Computer reservations systems.
"(a) Prohibitions against vendor discrimination.
"(b) Subscriber contract restraints.
"(c) Prohibition of subscriber modification of information.
"(d) Reporting.
"(e) Arbitration of participant fees.
"(f) Special rules for certain nonfee violations.
"(g) Treatment of certain reduced crs services.
"(h) Definitions.".

Mr. MCCAIN. Mr. President, today I am introducing, along with Senator LIEBERMAN, an amendment to S. 2312, the Airline Competition Enhancement Act of 1992. This amendment modifies the computer reservation system [CRS] provisions in S. 2312.

Most of the changes incorporated in this amendment have resulted from recommendations made by travel agents, who share our goal of providing a level playing field in the use of CRS services. With this amendment, the American Society of Travel Agents now endorses passage of S. 2312.

Study after study, by the General Accounting Office [GAO], the Department of Justice [DOJ], and the Department of Transportation [DOT] have documented the anticompetitive effects of CRS's on the airline industry. The two dominant CRS systems have been able to generate hundreds of millions of dollars in extra profits for their airline owners. These excess profits have come at the expense of non-CRS owning airlines and have contributed to the increasing concentration in the airline industry.

Given current airline financial problems, it is critical that we provide every assurance that competition is fair, so as to increase the likelihood that the consumer will continue to benefit from the improved service and lower fares promised by airline deregulation.

A major change made to S. 2312 by this amendment is dropping the requirement that airlines that own CRS's must dehost those CRS's from the airline's internal computer reservation system. American and United Airlines have estimated that a dehosting requirement would cost from $50 million up to $250 million to implement.

This amendment retains and strengthens provisions in S. 2312 that prohibit CRS display bias and require equal functionality in the use of CRS systems. The amendment also retains caps on liquidated damages, arbitration of booking fees, and prohibitions on minimum use requirements.

Finally, the amendment adds several new provisions that allow use of third-party software in CRS displays and establish procedures whereby DOT must address issues involving compliance with the requirements of S. 2312.

Frankly, Mr. President, there should not need to be legislation to implement many of the reforms now proposed in S. 2312. Many of the proposals in S. 2312—such as the use of third-party software, limits on the terms and rollover of travel agent contracts, and minimum use requirements—come directly from DOT's own notice of proposed rulemaking.

That proposed rulemaking was issued on March 19, 1991. Unfortunately, there is uncertainty whether many of these provisions will remain in the final rule. Furthermore, DOT has just extended, until December 11, 1992, the current CRS rules. Given the present state of the airline industry, we cannot endlessly wait for DOT to decide how to deal with this problem.

Mr. President, the Aviation Subcommittee of the Senate Commerce Committee has scheduled a hearing on June 10 to examine competition in the airline industry and S. 2312. I believe this hearing is most timely, given the current threat to airline deregulation and the need for legislation such as S. 2312.

Mr. President, I ask unanimous consent that a letter from Philip G. Davidoff, president and chief operating officer of the American Society of Travel Agents, endorsing S. 2312, as modified, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN SOCIETY OF TRAVEL AGENTS,
Alexandria, VA, June 3, 1992.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: I am writing you to express ASTA's sincere thanks for your efforts in introducing amendments to S. 2312, the "Airline Competition Enhancement Act of 1992".

ASTA represents 10,000 domestic travel agencies with 16,000 locations throughout the United States. The problems confronting our agents in dealing with the airline owners of the computer reservation systems is one of our top priorities. Your actions will benefit a multitude of small businesses and the traveling consumers who number in the millions.

ASTA believes this legislation is vital to restoring a level playing field and a fair competitive environment for the travel industry. This legislation has our wholehearted endorsement. We look forward to the opportunity to testify during the June 10 hearings, and hope you can then move the bill through the Senate process and obtain its passage before the August recess. We at ASTA stand by to assist in any way concerning this effort.

Sincerely,

PHILIP G. DAVIDOFF, CTC,
President and
Chief Operating Officer.

CRIMINAL SANCTIONS FOR VIOLATIONS OF SOFTWARE COPYRIGHT

HATCH AMENDMENT NO. 1868

Mr. SPECTER (for Mr. HATCH) proposed an amendment to the bill (S. 893) to amend title 18, United States Code, to impose criminal sanctions for violation of software copyright, as follows:

On page 2, line 25, strike "49" and insert "50".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON TAXATION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Taxation of the Committee on Finance be authorized to meet during the session of the Senate on June 4, 1992, at 10 a.m. to hold a hearing on executive compensation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Copyrights and Trademarks of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, June 4, 1992, at 9:30 a.m., to hold a hearing on S. 2013, a bill to amend chapter 1 of title 17, United States Code, to enable satellite distributors to sue satellite carriers for unlawful discrimination.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, June 4, 1992, at 10 a.m. to hold a hearing on Susan H. Black, to be U.S. circuit judge for the 11th circuit; Irene M. Keeley, to be U.S. district judge for the Northern District of West Virginia; Loretta A. Preska, to be U.S. district judge for the Southern District of New York; and Sonia Sotomayor, to be U.S. district judge for the Southern District of New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, June 4, at 9:30 a.m. for a hearing on the subject: DOD contract management problems.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., June 4, 1992, to receive testimony on S. 2527, to restore Olympic National Park and the Elwha River Ecosystem and Fisheries in the State of Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Policy of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Thursday, June 4, 1992, at 9:30 a.m. to conduct a hearing on the Exon-Florio provision of the 1988 trade bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY AND SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology and the Subcommittee on Conventional Forces and Alliance Defense of the Senate Armed Services Committee be authorized to meet on Thursday, June 4, 1992, at 2:30 p.m., in open session, to receive testimony on the impact of the defense builddown on the ability of the U.S. industrial and technology base to meet national security requirements, in review of S. 2629, the Department of Defense authorization bill for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Children, Family, Drugs and Alcoholism of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, June 4, 1992, at 9:30 a.m., for a hearing on Child Support and S. 2343, the Child Support Assurance Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, June 4, 1992, to consider the nominations of Duane Aker, to be Assistant Secretary for

"(6)(A)(i) If the complaint is not dismissed under paragraph (5)(A), the administrative law judge shall make a determination, after an opportunity for a hearing, on the merits of each claim that is not dismissed under such paragraph. The administrative law judge shall make a determination on the merits of any other nonfrivolous claim under this title, and on any action such Federal employee may appeal to the Merit Systems Protection Board, reasonably expected to arise from the facts on which the complaint is based.

"(ii) In making the determination required by clause (i), the administrative law judge shall—

"(I) decide whether the aggrieved Federal employee was the subject of unlawful intentional discrimination in a department, agency, or other entity of the Federal Government under this title, section 102 of the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, section 4 of the Age Discrimination in Employment Act of 1967, or the Equal Pay Act of 1963; and

"(II) if the employee was the subject of such discrimination, contemporaneously identify the person who engaged in such discrimination.

"(iii) As soon as practicable, the administrative law judge shall—

"(I) determine whether the administrative proceeding with respect to such claim may be maintained as a class proceeding; and

"(II) if the administrative proceeding may be so maintained, describe persons whom the administrative law judge finds to be members of such class.

"(B) With respect to such claim, a party may conduct discovery by such means as may be available in a civil action to the extent determined to be appropriate by the administrative law judge.

"(C) If the aggrieved Federal employee or the respondent fails without good cause to respond fully and in a timely fashion to a request made or approved by the administrative law judge for information or the attendance of a witness, and if such information or such witness is solely in the control of the party who fails to respond, the administrative law judge may, in appropriate circumstances—

"(i) draw an adverse inference that the requested information, or the testimony of the requested witness, would have reflected unfavorably on the party who fails to respond;

"(ii) consider the matters to which such information or such testimony pertains to be established in favor of the opposing party;

"(iii) exclude other evidence offered by the party who fails to respond;

"(iv) grant full or partial relief to the aggrieved Federal employee; or

"(v) take such other action as the administrative law judge considers to be appropriate.

"(D) In a hearing on a claim, the administrative law judge shall—

"(i) limit attendance to persons who have a direct connection with such claim;

"(ii) bring out pertinent facts and relevant employment practices and policies, but—

"(I) exclude irrelevant or unduly repetitious information; and

"(II) not apply the Federal Rules of Evidence strictly;

"(iii) permit all parties to examine and cross-examine witnesses; and

"(iv) require that testimony be given under oath or affirmation.

"(E) At the request of any party or the administrative law judge, a transcript of all or part of such hearing shall be provided in a timely manner and simultaneously to the parties and the Commission. The respondent shall bear the cost of providing such transcript.

"(F) The administrative law judge shall have authority—

"(i) to administer oaths and affirmation;

"(ii) to regulate the course of hearings;

"(iii) to rule on offers of proof and receive evidence;

"(iv) to issue subpoenas to compel—

"(I) the production of documents or information by the entity of the Federal Government in which discrimination is alleged to have occurred; and

"(II) the attendance of witnesses who are Federal officers or employees of such entity;

"(v) to request the Commission to issue subpoenas to compel the production of documents or information by any other entity of the Federal Government and the attendance of other witnesses, except that any witness who is not an officer or employee of an entity of the Federal Government—

"(I) may be compelled only to attend any place—

"(aa) less than 100 miles from the place where such witness resides, is employed, transacts business in person, or is served; or

"(bb) at such other convenient place as is fixed by the administrative law judge; and

"(II) shall be paid fees and allowances, by the party that requests the subpoena, to the same extent that fees and allowances are paid to witnesses under chapter 119 of title 28, United States Code;

"(vi) to exclude witnesses whose testimony would be unduly repetitious;

"(vii) to exclude any person from a hearing for contumacious conduct, or for misbehavior, that obstructs such hearing; and

"(viii) to grant any and all relief of a kind described in subsections (g) and (k) of section 706.

"(G) The administrative law judge and Commission shall have authority to award a reasonable attorney's fee (including expert fees and other litigation expenses), costs, and the same interest to compensate for delay in payment as a court has authority to award under section 706(k).

"(H) The Commission shall have authority to issue subpoenas described in subparagraph (F)(v).

"(I) In the case of contumacy or failure to obey a subpoena issued under subparagraph (F), the United States district court for the judicial district in which the person to whom the subpoena is addressed resides or is served may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence.

"(7)(A)(i) The administrative law judge shall issue a written order making the determination required by paragraph (6)(A), and granting or denying relief.

"(ii) The order shall not be reviewable by the respondent, and the respondent shall have no authority to modify or vacate the order.

"(iii) Except as provided in clause (iv) or subparagraph (B), the administrative law judge shall issue the order not later than—

"(I) 210 days after the complaint containing such claim is filed on behalf of a Federal employee; or

"(II) 270 days after the complaint containing such claim is filed on behalf of a class of Federal employees.

"(iv) The time periods described in clause (i) shall not begin running until 30 days after the administrative law judge is assigned to the case if the administrative law judge certifies, in writing, that such 30-day period is needed to secure additional documents or information from the respondent to have a complete administrative record.

"(B) The administrative law judge shall issue such order not later than 30 days after the applicable period specified in subparagraph (A) if the administrative law judge certifies in writing, before the expiration of such applicable period—

"(i) that such 30-day period is necessary to make such determination; and

"(ii) the particular and unusual circumstances that prevent the administrative law judge from complying with the applicable period specified in subparagraph (A).

"(C) The administrative law judge may apply to the Commission to extend any period applicable under subparagraph (A) or (B) if manifest injustice would occur in the absence of such an extension.

"(D) If the aggrieved Federal employee shows that such extension would prejudice a claim of, or otherwise harm, such Federal employee, the Commission—

"(i) may not grant such extension; or

"(ii) shall terminate such extension.

"(E) In addition to findings of fact and conclusions of law, including findings and conclusions pertaining specifically to the decision and identification described in paragraph (6)(A)(ii), such order shall include formal written notice to each party that before the expiration of the 90-day period beginning on the date such party receives such order—

"(i) the aggrieved Federal employee may commence a civil action in an appropriate district court of the United States for de novo review of a claim with respect to which such order is issued; and

"(ii) unless a civil action is commenced in such 90-day period under clause (i) with respect to such claim, any party may file with the Commission a written request for review of the determination made, and relief granted or denied, in such order with respect to such claim.

"(F) Such Federal employee may commence such civil action at any time—

"(i) after the expiration of the applicable period specified in subparagraph (A) or (B); and

"(ii) before the expiration of the 90-day period beginning on the date such Federal employee receives an order described in subparagraph (A).

"(G) The determination made, and relief granted, in such order with respect to a particular claim shall be enforceable immediately, if such order applies to more than one claim and if such employee does not—

"(i) commence a civil action in accordance with subparagraph (E)(i) with respect to the claim; or

"(ii) request review in accordance with subparagraph (E)(ii) with respect to the claim.

"(g)(1) If a party timely files a written request in accordance with subsection (f)(5)(B)(i) or (f)(7)(E)(ii) with the Commission for review of the determination made, and relief granted or denied, with respect to a claim in such order, then the Commission shall immediately transmit a copy of such request to the other parties involved and to the administrative law judge who issued such order.

"(2) Not later than 7 days after receiving a copy of such request, the administrative law judge shall transmit to the Commission the record of the proceeding on which such order is based, including all documents and information collected by the respondent under subsection (d).

"(3)(A) After allowing the parties to file briefs with respect to such determination, the Commission shall issue an order applicable with respect to such claim affirming, reversing, or modifying the applicable provisions of the order of the administrative law judge not later than—

"(i) 150 days after receiving such request; or

"(ii) 30 days after such 150-day period if the Commission certifies in writing, before the expiration of such 150-day period—

"(I) that such 30-day period is necessary to review such claim; and

"(II) the particular and unusual circumstances that prevent the Commission from complying with clause (i).

"(B) The Commission shall affirm the determination made, and relief granted or denied, by the administrative law judge with respect to such claim if such determination and such relief are supported by substantial evidence in the record taken as a whole. The findings of fact of the administrative law judge shall be conclusive unless the Commission determines that they are clearly erroneous.

"(C) In addition to findings of fact and conclusions of law, including findings and conclusions pertaining specifically to the decision and identification described in subsection (f)(6)(A)(ii), the Commission shall include in the order of the Commission formal written notice to the aggrieved Federal employee that, before the expiration of the 90-day period beginning on the date such Federal employee receives such order, such Federal employee may commence a civil action in an appropriate district court of the United States for de novo review of a claim with respect to which such order is issued.

"(D) Such Federal employee may commence such civil action at any time—

"(i) after the expiration of the applicable period specified in subparagraph (A); and

"(ii) before the expiration of the 90-day period specified in subparagraph (C).

"(h)(1) In addition to the periods authorized by subsections (f)(7)(F) and (g)(3)(D), an aggrieved Federal employee may commence a civil action in an appropriate district court of the United States for de novo review of a claim—

"(A) during the period beginning 300 days after the Federal employee timely requests an administrative determination under subsection (f) with respect to such claim and ending on the date the administrative law judge issues an order under such subsection with respect to such claim; and

"(B) during the period beginning 180 days after such Federal employee timely requests review under subsection (g) of such determination with respect to such claim and ending on the date the Commission issues an order under such subsection with respect to such claim.

"(2) Whenever a civil action is commenced timely and otherwise in accordance with this section to determine the merits of a claim arising under this section, the jurisdiction of the administrative law judge or the Commission (as the case may be) to determine the merits of such claim shall terminate.

"(i) A Federal employee who prevails on a claim arising under this section, or the Commission, may bring a civil action in an appropriate district court of the United States to enforce—

"(1) the provisions of a settlement agreement applicable to such claim;

"(2) the provisions of an order issued by an administrative law judge under subsection (f)(7)(A) applicable to such claim if—

"(A) a request is not timely filed of such claim under subsection (g)(1) for review of such claim by the Commission; and

"(B) a civil action is not timely commenced under subsection (f)(7)(F) for de novo review of such claim; or

"(3) the provisions of an order issued by the Commission under subsection (g)(3)(A) applicable to such claim if a civil action is not commenced timely under subsection (g)(3)(D) for de novo review of such claim.

"(j) Any amount awarded under this section (including fees, costs, and interest awarded under subsection (f)(6)(G)), or under title 28, United States Code, with respect to a violation of subsection (a), shall be paid by the entity of the Federal Government that violated such subsection from any funds made available to such entity by appropriation or otherwise.

"(k)(1) An entity of the Federal Government against which a claim of discrimination or retaliation is alleged under this section shall grant the aggrieved Federal employee a reasonable amount of official time, in accordance with regulations issued by the Commission, to prepare an administrative complaint based on such allegation and to participate in administrative proceedings relating to such claim.

"(2) An entity of the Federal Government against which a claim of discrimination is alleged in a complaint filed in a civil action under this section shall grant the aggrieved Federal employee paid leave for time reasonably expended to prepare for, and participate in, such civil action. Such leave shall be granted in accordance with regulations issued by the Commission, except that such leave shall include reasonable time for—

"(A) attendance at depositions;

"(B) meetings with counsel;

"(C) other ordinary and legitimate undertakings in such civil action, that require the presence of such Federal employee; and

"(D) attendance at such civil action.

"(3) If the administrative law judge or the Commission (as the case may be), makes or affirms a determination of intentional unlawful discrimination as described in subsection (f)(6)(A), the administrative law judge or Commission, respectively, shall—

"(A) impose appropriate sanctions on such Federal employee; and

"(B) not later than 30 days after issuing the order described in subsection (f)(7) or (g)(3), as appropriate, submit to the Special Counsel the order and a copy of the record compiled at any hearing on which the order is based.

"(4)(A) On receipt of the submission described in paragraph (3)(B), the Special Counsel shall conduct an investigation in accordance with section 1214 of title 5, United States Code, and may initiate disciplinary proceedings against any person identified in a determination described in subsection (f)(6)(A)(ii)(II), if the Special Counsel finds that the requirements of section 1215 of title 5, United States Code, have been satisfied.

"(B) The Special Counsel shall conduct such proceedings in accordance with such section, and shall accord to the person described in subparagraph (A) the rights available to the person under such section.

"(l) This section, as in effect immediately before the effective date of the Federal Employee Fairness Act of 1992, shall apply with respect to employment in the Library of Congress."; and

(6) by adding at the end the following new subsection:

"(o)(1) Each respondent that is the subject of a complaint that has not been resolved under this section, or that has been resolved under this section within the most recent calendar year, shall prepare a report. The report shall contain information regarding the complaint, including the resolution of the complaint if applicable, and the measures taken by the respondent to lower the average number of days necessary to resolve such complaints.

"(2) Not later than October 1 of each year, the respondent shall submit to the Commission the report described in paragraph (1).

"(3) Not later than December 1 of each year, the Commission shall submit to the appropriate committees of the House of Representatives and of the Senate a report summarizing the information contained in the reports submitted in accordance with paragraph (2).".

SEC. 3. AMENDMENTS TO THE AGE DISCRIMINATION IN EMPLOYMENT ACT.

(a) ENFORCEMENT BY EEOC.—Section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a) is amended—

(1) by striking subsections (c) and (d); and

(2) by inserting after subsection (b) the following:

"(c)(1) Any individual aggrieved by a violation of subsection (a) may file a complaint with the Equal Employment Opportunity Commission in accordance with subsections (c) through (m), and subsection (o), of section 717 of the Civil Rights Act of 1964.

"(2) Except as provided in subsection (d), such subsections of section 717 shall apply to a violation alleged in a complaint filed under paragraph (1) in the same manner as such section applies to a claim arising under section 717 of such Act.

"(d)(1) If an individual aggrieved by a violation of this section does not file a complaint under subsection (c)(1), such individual may commence a civil action in an appropriate district court of the United States for de novo review of such violation—

"(A) not less than 30 days after filing with the Equal Employment Opportunity Commission a notice of intent to commence such action; and

"(B) not more than 2 years after the alleged violation of this section occurs.

"(2) On receiving such notice, the Equal Employment Opportunity Commission shall—

"(A) promptly notify all persons named in such notice as prospective defendants in such action; and

"(B) take any appropriate action to ensure the elimination of any unlawful practice.

"(3) Section 717(m) of the Civil Rights Act of 1964 (as redesignated by section 2 of the Federal Employee Fairness Act of 1992) shall apply to civil actions commenced under this subsection in the same manner as such section applies to civil actions commenced under section 717 of the Civil Rights Act of 1964.".

(b) OPPORTUNITY TO COMMENCE CIVIL ACTION.—If a complaint filed under section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a) with the Equal Employment Opportunity Commission is pending in the period beginning on the date of the enactment of this Act and ending on December 31, 1992, the individual who filed such complaint may commence a civil action under such section not later than June 30, 1993.

SEC. 4. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

(a) GRIEVANCE PROCEDURES.—Section 7121 of title 5, United States Code, is amended—

(1) in subsection (a)(1) by inserting "administrative" after "exclusive"; and

among the lowest in the industry. This spring a five member team at our Gary Works plant won first place in the national Quality Cup competition sponsored jointly by USA Today and the Rochester Institute of Technology. We're very proud of our entire team at the Gary Works plant.

Because American steel plants are more productive, we are also able to offer our customers lower prices. U.S.-produced steel is now among the lowest-priced in the world. In 1990, for example, carbon steel products in the U.S. averaged approximately $520 per ton. This compared to a price range of $575 to $600 that prevailed in Germany, Japan, France, and the U.K.

Our industry has also taken major steps to provide for workers whose jobs have been lost as the industry has restructured itself in recent years to compete more effectively. Under the worker retraining program instituted by Congress in 1984, the steel industry has spent millions to assist displaced workers to obtain skills and opportunities to start over. For existing employees, the domestic industry during 1990 and 1991 spent almost $180 million to provide retraining in the operation of modernized equipment and the development of technical steelmaking skills.

Mr. Chairman, let me now turn to the not-so-good news. Overall, our manufacturing sector continues to decline. In 1983, one of every four private sector jobs was in manufacturing; now it is just one in five. These jobs have gone to the service sector, which increased total employment over the same period from 67 million to 85 million, an increase of more than 27%.

What's troubling about these statistics is that swapping a manufacturing job for a service sector job is not an even exchange. The average pay of a manufacturing job is $460 per week, compared with the average pay of $361 per week for the private sector as a whole. Therefore, when a worker loses his manufacturing job and has to take a service job instead, the worker suffers a pay cut of nearly 22%. That's pretty tough for a family to endure when it is just trying to make ends meet in these difficult times. Moreover, once a worker with manufacturing skills slips back into the service sector, it is very difficult and costly to retrain that worker for manufacturing again: manufacturing skills once lost usually remain lost.

The past year in particular has been a difficult one for the domestic steel industry. Here are just a few figures that show how hard our industry has been hit:

For 1991, U.S. steel companies have experienced operating losses in excess of $2.5 billion.

Industry operating rates for 1991 fell to 74%, from an 85% operating rate in 1990.

The number of jobs in the domestic steel industry shrunk by an additional 20,000 during 1991, with total employment dropping to 183,200, down from 204,000 in 1990.

Domestic steel industry shipments to the auto industry in 1991 totaled just 9.4 million tons, a decrease of one million tons from 1990. The 1991 figures represent a 25-year low for the domestic steel industry.

These figures show that despite the best efforts of the American steel industry, our markets continue to shrink and our operating losses continue to mount. Unquestionably, the economic downturn is a significant factor, but over the long run, if the American steel industry is to compete effectively in the global marketplace, we must fully understand what our competitors are doing, and we must be prepared to adjust our nation's trade and economic policies accordingly.

IMPACT OF TRADE DEFICITS

The domestic steel industry continues to find itself affected by the uneven playing field of international trade. Nowhere is the field more uneven than in the area of automotive manufacturing, where Japan's excess automotive manufacturing capacity is being used to target the American market. These imports directly endanger the domestic steel industry's position as the largest materials supplier to the U.S. auto industry. Consider just a few telling statistics about the U.S.-Japan trade deficit:

Over the past 10 years, Japan has accounted for nearly 40% of the overall U.S. trade deficit. Out of a total U.S. trade deficit of $1 trillion, Japan's share exceeds $400 billion.

Our annual trade deficit with Japan exceeds $42 billion. Of this amount, nearly ¾—or $31 billion—is attributable to imports of automobiles and auto parts. A 1991 report by the Transportation Research Institute at the University of Michigan projects that if we continue on our present course there will be a 23% increase in the U.S.-Japan automotive trade deficit between now and 1994, to $38.15 billion.

Over the past four years, our trade deficit with other countries has come down sharply—from $70 billion in 1987 to $28 billion last year (and virtually this entire amount is attributable to crude oil imports). However, the trade deficit with Japan remains stubbornly high; the U.S.-Japan trade deficit has come down only minimally during the past four years.

Japanese manufacturers account for 30% of the U.S. auto market, and 10% of the European market (where Japanese auto imports are controlled). By contrast, only 3% of the Japanese auto market is supplied by non-Japanese manufacturers.

The U.S. automobile plant closings that we have been reading and hearing about over the past 24 months—GM alone is planning to close 21 plants, with expected layoffs of 74,000 workers—and the parallel retrenchment that the steel industry has been experiencing, threaten the long-term viability of our basic manufacturing sector. We have been the victims of unfair international trade practices, many of them stemming from Japan. These include, for example, dumping of below-market priced manufactured goods, exemption from regulation, discriminatory tax and certification systems, and closed distribution systems and dealer networks, all reflecting the anticompetitive relationship between Japanese vehicle and parts manufacturers and automobile dealers. Our nation simply cannot stand by while our manufacturing base disappears under an onslaught of underpriced Japanese cars and automotive parts.

In my judgment, major changes are needed in our trade and tax policies if we want to reverse these trends.

TRADE INITIATIVES

Last month, the domestic steel industry took steps on its own to confront unfair trading practices by our trading partners. On May 8, the six largest domestic steel producers announced the initiation of consultations with the Department of Commerce and the International Trade Commission preliminary to the filing of cases against unfairly traded steel. The companies are, in addition to USX, Armco, Bethlehem, LTV, Inland, and National. The cases under discussion involve dumped and subsidized imports of flat-rolled carbon steel products, including hot-rolled sheets, cold-rolled sheets, and galvanized and plate steel.

Our companies will show that certain of our major trading partners have been unfairly subsidizing their steel, and selling their flat rolled steel products at prices below value and in some instances below the costs of producing the product. We believe that subsidies are continuing in 12 countries, including Brazil, Mexico, Spain, and Turkey. In addition, new subsidy programs have been initiated in another 11 countries, including France, India, Indonesia, and Thailand. In developing countries, government-owned or government-controlled steel companies have become the rule: in such countries, nationally owned or operated companies increased their share of steel output from 32% to 55% between 1968 and 1986.

In just the last 12 years, we believe foreign countries have spent more than $100 billion to subsidize their steel industries. Europe alone spent more money on steel subsidies than the U.S. spent in putting a man on the moon. It is not uncommon to find foreign companies that sell steel in the U.S. at 60% less than its value. We also expect to prove that large unfair margins exist, and that these margins are causing substantial injury to our industry.

However, the industry cannot be expected to act wholly on its own to correct the nation's trade imbalances. We strongly believe that legislative action to strengthen our nation's trade laws is needed in addition.

Mr. Chairman, let me just briefly suggest a few steps that I believe should be undertaken.

First, we need to renew "super 301" authority under Section 310 of the Trade Act for an additional five years, from 1993 through 1997. This power, which required USTR to annually identify barriers and trade-distorting practices in our trading partners, and to initiate section 310 investigations on the basis of these findings, proved to be a useful tool. Congress should renew this provision without further delay.

Second, we believe legislation should be adopted that requires the initiation of a Section 301 case aimed at Japan's systemic anticompetitive practices in auto parts. These practices prevent U.S. parts manufacturers from penetrating the Japanese distribution system. Such a proceeding would also determine whether Japanese auto parts are sold in the U.S. below their fair market value or cost of production. Should Japanese auto parts be proved to be dumped, appropriate duties should be imposed.

Third, we need more effective mechanisms for preventing circumvention of outstanding countervailing duty and antidumping cases. For example, the scope of antidumping orders should include parts and components supplied by companies in third countries that have historically supplied such parts to the original producer, particularly if such parts are included in products assembled in the United States or a third country.

Fourth, we need to take direct action to reduce the Nation's trade deficit, particularly that with Japan. We support legislation that would mandate that the trade deficit with Japan be reduced by a set percentage each year, such as 20%. To put teeth in this mandate, if Japan refuses to take the steps necessary to achieve the 20% annual reductions, its share of the U.S. car market should be reduced by 250,000 units per year over the next five years.

A reduction of 20% in the trade deficit would greatly improve the job picture in this country. A 20% reduction would shave $8 bil-

lion from the U.S.-Japan trade deficit, and this in turn would enable an additional 180,000 Americans to go back to work. Similar gains would be realized in the second, third, fourth, and fifth years as well.

At a minimum, Congress should consider requiring the President to negotiate voluntary restraint agreements with Japan regarding autos and light trucks. Such VRA's for Japanese auto imports would give the U.S. automotive industry the breathing room it needs to restore competitiveness.

Fifth, legislation is needed to bolster the rights of companies aggrieved by unfair foreign trading practices with a private cause of action in federal court to redress these grievances. Unfortunately, under our current trade law regime, the real injured parties—U.S. companies—are not allowed direct access to the courts to obtain immediate redress. Legislation has been proposed that would provide U.S. companies with the right to stop trade law violations without having to rely on the executive branch to impose discipline on our trading partners. There are alternative proposals that would direct the executive branch to negotiate new rules in this area with our trading partners.

If Congress proceeds with this legislation, it is important to provide for a private right of action for three particularly damaging foreign trading practices: customs fraud, dumping and subsidy violations. As I am sure you are aware, the steel industry has been substantially damaged over the past two decades by illegal dumping and subsidies, and we believe it is absolutely essential that these be included in an effective private right of action bill.

Finally, we also have to be attentive to decisions that are made in the international arena, and to ensure that our existing trade sanctions remain fully effective under the GATT. In this regard, I am strongly against the proposed dumping and subsidy code revisions that were circulated earlier this year by GATT Director General Arthur Dunkel.

For example, the Dunkel Draft would leave existing U.S. trade laws vulnerable to attack by GATT panels. It would also fail to close loopholes for dumping and subsidies, and leave many unfair practices in developed and developing countries completely untouched. In addition, the Dunkel antidumping proposals fail to explicitly recognize the cumulation of dumped imports from multiple countries when an injury determination is made. Current U.S. practices regarding cumulation would again be vulnerable to a negative GATT panel ruling. This runs the risk of further weakening our trade remedies.

I hope this committee will join with me in urging that these provisions be substantially modified at such time as the Uruguay Round negotiators resume their talks.

TAX AND OTHER INITIATIVES

We are concerned about the direction tax policy has taken in this country since 1982. Tax legislation since that time has been revenue driven with little consideration given to effects on international competitiveness even though our markets and our competitors are global. As a result, our current tax law is anti-competitive and gives our foreign competitors a distinct advantage. We need changes in several areas.

First of all, one of the most anti-competitive aspects of current tax law is the alternative minimum tax, or AMT, which went into effect in 1987.

The AMT was designed to insure that corporations with substantial economic income would not be able to avoid significant federal income tax liability. With the perception of fairness as an overriding objective, Congress did not sufficiently focus on the perverse impact the AMT would have on capital intensive companies and especially those which operate in cyclical industries such as energy, steel, motor vehicles, chemicals, airlines and others.

Our 1991 results provide a dramatic example of the impact of the AMT on corporations such as USX. In 1991, on a reported earnings basis, we lost $578 million, and had a corresponding substantial net operating loss for regular tax purposes.

Despite these financial and net operating losses, USX paid Alternative Minimum Taxes for 1991. The primary reason for this result is that under the AMT framework, capital cost recovery is much slower than under the regular tax. USX capital spending has amounted to nearly $6.6 billion since 1987. Investment of this magnitude has and will continue to be necessary for us to maintain our international competitiveness, but the AMT depreciation treatment punishes these productive investments.

Prior to 1987, the cash flow effect of federal income taxes tended to be counter-cyclical. Taxes reduced corporate cash flow as taxable income increased and had a positive impact in loss years due to the ability to carry losses back to prior years and receive a current refund. This relationship changed drastically as a result of the AMT. What we now face is a tax system which is pro-cyclical in that it amplifies the negative cash flow effect of a recession on companies, thereby leading to slower economic recovery.

Second, we are deeply concerned over proposals for higher energy and environmental taxes which would jeopardize the ability of U.S. industry to compete internationally. These proposals would have anti-competitive impacts far beyond what energy tax proponents may realize and will put U.S. manufacturers, including USX, in a dangerous international competitive position.

During negotiations on the 1991 federal budget, Congress looked at a variety of energy and environmental taxes as potential revenue sources. These proposals include an increase in the motor fuel tax, a new BTU tax, taxes on "virgin" materials, new ad valorem energy taxes, and a carbon energy tax. Fortunately, other than a five-cent per gallon increase in the motor fuel tax, none of these proposals were enacted. We wish to reemphasize our opposition to any renewed consideration of energy tax initiatives.

Third, we must have different tax treatment for our mushrooming environmental expenditures. EPA estimates that the domestic steel industry faces up to $5–6 billion in environmental compliance expenditures under the air toxics provisions of the 1990 Clean Air Act Amendments. In 1990 alone, the domestic steel industry invested more than a quarter of a billion dollars in air, water, and solid waste control. Although we recognize the need to clean up our environment, and we are committed to doing our part, these expenditures divert capital which would otherwise be available to improve the steel industry's competitive position. To mitigate this impact, the tax laws should be amended to allow the immediate expensing or enhanced depreciation of pollution control expenditures, and such expenditures should not be subject to the AMT.

Fourth, I am convinced that our present tax system must change if U.S. industry is to be world competitive. Virtually all of America's major trading partners already have a border-adjustable tax that is levied on imports and rebated on exports. Under the current tax system, American companies' sales are taxed twice. They are subject to U.S. income taxes on products manufactured here, and a value-added tax is imposed by most of the countries where American products are shipped. However, when foreign companies export products to our market, those sales are exempt from their home country value-added tax and there is no comparable U.S. tax imposed on these imports as they enter our borders. The adoption of a properly constructed border-adjustable tax would help put domestic industries on a more equal tax footing with most of our foreign competitors. Such a tax would have a further positive impact as it would apply to foreign companies which now largely escape U.S. taxes altogether. We support the concept of replacing the entire present income-based business tax system with a broad-based consumption type border-adjustable tax. If carefully crafted, this new approach would leave U.S. companies essentially revenue neutral as compared to the present system, but would finally impose comparable U.S. tax costs on foreign companies who choose to sell in our Nation's markets.

Finally, I hope Congress will address the issue of health care reform during the current session, and we appreciate your leadership in health care policy. In our industry, health care costs have risen by 177% over the past decade, and our annual health care bill now exceeds $1 billion. Many American automotive and steel plants employ older labor forces, often in urban areas, and thus are faced with staggering health benefit costs. By contrast, the newer Japanese transplant factories tend to employ largely rural, relatively young labor forces, with significantly lower health care costs. We hope Congress will take a close look at requiring the use of regional reimbursement schedules by hospitals and physicians, and the imposition of national spending targets and improved quality measurement systems.

Mr. Chairman, the American steel industry of 1992 is not the one that existed in 1972 or 1982. We are now in all respects world class. We have made the tough adjustments that we needed to make. We are efficient and we produce top quality products. But we are not operating in a vacuum. Our trade policies must provide us with a level playing field to compete fairly and effectively with our trading partners. Our tax polices must be restructured to enable us to remain fully competitive and productive.

Mr. Chairman, we need your help in remedying our Nation's tax and trade policies. We will accomplish the rest of the task on our own.

That completes my prepared statement. I would be happy to answer any questions the Committee may have.•

CAPT. WILLIAM PINKNEY

• Mr. KERRY. Mr. President, history is being made in Boston today. Capt. William Pinkney will sail into Boston Harbor, becoming the first African-American to sail solo around the world.

His inspiring journey has been followed by enthusiastic Massachusetts students, thanks to Boston Voyages in Learning. During the 1990–91 school year, 25 teachers and their classes from the greater Boston public schools integrated Captain Pinkney's trip from Boston, MA, to Hobart, Tasmania, into their curricula in mathematics, envi-

always manages to find time for various charitable and service activities. He gives generously of his time and resources to improve the lives of countless others. I know that Dave will continue to give freely of his time and self because these qualities are so much a part of his character.

The Retired Detectives Association is also honoring Councilman Ed Buscemi. In addition to his city council duties Ed volunteers as the executive director and vice president of the Long Beach Chamber of Commerce. He has spent all of his adult life in public service. Ed is an altruist whose generosity has been acknowledged many times in the past and is most deserving of the tribute that is being paid to him this month. To be the recipient of this award is something to be most proud of. Ed has demonstrated the kind of strong leadership that this country so vitally needs, both now and in the future. Ed Buscemi is one of those outstanding personalities whose law enforcement and governmental service have won him a place of high regard in New York. Mr. President, it is my honor to pay tribute to both of these fine gentlemen today.●

ORDER OF BUSINESS

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kentucky suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Without objection, it is so ordered.

AUTHORIZATION FOR TESTIMONY BY SENATE EMPLOYEE

Mr. MITCHELL. Mr. President, on behalf of myself and the distinghished Republican leader, Senator DOLE, I send to the desk a resolution on authorization for testimony by a Senate employee and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 309) to authorize testimony by an employee of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the plaintiff in an action pending in Federal district court in Montana seeks payment from the defendant for services the plaintiff claims to have performed, including his alleged efforts to obtain a mining permit for the defendant by seeking the assistance of the office of Senator BAUCUS. The defendant in the case seeks to depose Sharon Peterson, a Senate employee on the staff of Senator BAUCUS, in order to help demonstrate that the mining permit was not obtained as a result of any efforts by the Senator's office. The following resolution would authorize Ms. Peterson to testify in this matter.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 309), with its preamble, is as follows:

S. RES. 309

Whereas in the case of Robinson v. Addwest Gold, Inc., et al., Civ. No. 91-20-BU-PGH, pending in the United States District Court for the District of Montana, the defendant seeks the testimony of Sharon Peterson, an employee of the Senate on the staff of Senator Max Baucus;

Whereas by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate:

Whereas pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities: Now, therefore, be it

Resolved, That Sharon Peterson is authorized to testify in Robinson v. Addwest Gold, Inc., et al., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Sharon Peterson in connection with the testimony authorized by section one of this resolution.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR FRIDAY, JUNE 5 AND TUESDAY, JUNE 9, 1992

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Friday, June 5; that when the Senate meets on Friday, it meet in pro forma session only; that at the close of the pro forma session, the Senate stand in recess until 9 a.m. on Tuesday, June 9; that on Tuesday, following the prayer, the Journal of proceedings be deemed approved to date; that following the time for the two leaders, there be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator GORTON recognized for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:20 p.m., recessed until Friday, June 5, 1992, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 4, 1992:

OVERSEAS PRIVATE INVESTMENT CORPORATION

DONALD M. KENDALL, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 17, 1992, VICE J. CARTER BEESE, JR., RESIGNED.

DONALD M. KENDALL, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1995. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

MAJ. GEN. HUGH L. COX III, USAF (RET), xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. WILLIAM P. BLAND, JR., xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. CHARLES M. BUTLER, xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. NELSON E. DURGIN, xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. ALLEN W. BOONE, xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

COL. BRUCE G. BRAMLETTE, xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

COL. RENDELL F. CLARK, JR., xxx-xx-xx... AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JAMES R. HENDRICKSON, xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JACK D. KOCH, xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ALLEN M. MIZUMOTO, xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

COL. GARY P. MORGAN, xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

COL. C.D. PAYNE, xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ROBERT L. PRIVETT, xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

COL. XEL SANT'ANNA, xxx-xx-xx... AIR NATIONAL GUARD OF THE UNITED STATES.

COL. LORAN C. SCHNAIDT, xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

COL. FRED R. SLOAN, xxx-xx-xx... AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JOHN H. SMITH, xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ALBERT H. WILKENING, xxx-xx-xx... AIR NATIONAL GUARD OF THE UNITED STATES.

COL. RICHARD B. YULES, xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. WILLIAM S. CARPENTER, JR., xxx-xx-xxxx U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHN J. YEOSOCK xxx-xx-xx... U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTED TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAMES R. ELLIS xxx-xx-xx... U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. BARRY R. MCCAFFREY xxx-xx-xxxx U.S. ARMY.

IN THE NAVY

THE FOLLOWING NAMED REAR ADMIRALS (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE LINE, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (LOWER HALF) RONALD RHYS MORGAN, x... xxx-xx-xxxx U.S. NAVAL RESERVE.

REAR ADM. (LOWER HALF) JOHN TWOHEY NATTER, x... xxx-xx-xxxx U.S. NAVAL RESERVE.

REAR ADM. (LOWER HALF) KENNETH WILLIAM PETTIGREW xxx-xx-xxxx U.S. NAVAL RESERVE.

AEROSPACE ENGINEERING DUTY OFFICER

REAR ADM. (LOWER HALF) KENNETH PAUL MANNING, xxx-xx-xxxx U.S. NAVAL RESERVE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE.

JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

GARY V. CASIDA xxx-xx-x...

IN THE NAVY

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL RESERVE OFFICERS TRAINING CORPS, USN

To be ensign; permanent

ROGER D. ALLENBAUGH
MICHAEL A. ANDREWS
CARIN C. ARMSTRONG
BRADLEY T. BORDEN
ALEXIS K. BOYKIN
FREDRICK L. BROUSSARD
BRENT A. BURKIS
MARK A. CALDERON
TRINA M. CALLI
PAUL A. CARELLI
JOHN P. COULURIS
CHRISTOPHER S. COWAN
ROBERT D. CROXSON
MATTHEW A. DEAN
KENNETH T. DESJARDINS
TIMOTHY D. ESH
ROBERT M. GAETA
ARLENE J. GRAY
MARK C. GRINDLE
JAMES T. HALL
JOHN D. HARRELL
RICHARD K. HARRISON
PATRICIA A. HOSKINSON
LYMAN D. HOWARD
CHRISTOPHER T. JOHNSON
PHILIP J. KASE
DANIEL J. KENDA
BRIAN S. LENK
JOHN A. LONG
SCOTT H. LOUDENBECK
JOHN A. LYONS
SEAN P. MCDONALD
MARK A. MELSON
CHARLES N. MILLER
JAMES A. MITCHELL
KYLE S. MOSES
COLEY R. MYERS, III
BRIAN K. NEELY
FRANCO F. NETO
LANCE D. PARNELL
JILL M. PATTERSON
PETRONILA L. REYES
JOSEPH R. SCHAFF
THEODORE R. SPICER
PHILLIP A. STARR
JONATHAN D. SULLIVAN

IN THE NAVY

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JOHN W. MORONEY
RICHARD V. TIMMS

THE FOLLOWING NAMED NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CHARLES J. BAKER
JAMES R. GLENN
JOHN R. JOHNSON
MATTHEW K. JONES
KENNETH F. KEANE
DALE A. LOKEY
JERRY S. NESSETH
MARVIN P. RUSH
PETER J. STAUFENBERGER
ROBERT W. THOMPSON

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JEFFREY D. BENNET
WALTER M. BENNETT
TODD A. BRAYNARD
PETER Y. CHEUNG
JEFFREY D. GRANT
LANCE C. HALL
ANTON J. HARTMAN
RUSSELL A. HERMANN
JANET C. JACOBSON
SEAN P. KELLEY
MATTHEW J. LEHMAN
SHANE W. MANEVAL
VICTOR S. SCHWARTZ
BRIAN W. SULLIVAN
MARC J. VALADEZ
JOHN O. WESSON
MICHAEL D. WHEELER

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

DAVID A. BOLTON
JOSEPH W. HETTICH
PAUL S. KRUSH
ROBERT D. MILLER

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE REAPPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

RAYMOND ALEXANDER
PETER J. CAHILL
STEPHEN D. MCDERMITT

THE FOLLOWING U.S. NAVY OFFICER TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

CHARLES R. REUNING

THE FOLLOWING U.S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE CHAPLAIN CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LYLE W. SWANSON

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS RESERVE FOR APPOINTMENT INTO THE REGULAR MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531:

To be major

DONALD R. GIBBS xxx-xx-x...

To be captain

JEFFERY A. AIVAZ xxx-xx-xx...
KELLY D. ALLENDER xxx-xx-xx...
DAVID P. BACKUS xxx-xx-x...
BARRY K. BAKER xxx-xx-x...
ROBERT C. BERRY xxx-xx-x...
DANIEL R. BEVAN xxx-xx-x...
JAMES L. BIGGERS, JR xxx-xx-xx...
ROBERT L. BOWDEN, III xxx-xx-x...
JOSEPH G. BOWE xxx-xx-x...
ERIC V. BRYANT xxx-xx-x...
WILLIAM H. BUCKEY xxx-xx-x...
ELOY CAMPOS xxx-xx-x...
RICHARD E. CARRASCO xxx-xx-x...
CARL W. CARRELL xxx-xx-x...
ROBERT J. CHARETTE xxx-xx-xx...
JERRY T. CHRISTENSEN xxx-xx-xx...
TROY M. COMISKEY xxx-xx-x...
EDWIN B. COYL, III xxx-xx-x...
WILLIAM D. CURRY xxx-xx-x...
JOHN J. DALY xxx-xx-x...
HUBERT A. DAVIS, III xxx-xx-xx...
WILLIAM P. DELANEY xxx-xx-x...
PATRICK J. DELONG xxx-xx-xx...
PETER J. DEPATIE xxx-xx-xx...
CURTIS C. DEPPNER xxx-xx-xx...
JON D. FLEMING xxx-xx-xx...
PATRICK D. FORD xxx-xx-x...
RICHARD A. FORTE, JR xxx-xx-xx...
GREGORY T. FRAZIER xxx-xx-xx...
JAMES D. GRIFFIN, II xxx-xx-xx...
JAMES R. HALL xxx-xx-xx...
ERIC C. HANLY xxx-xx-x...
PHILLIP D. HARWARD xxx-xx-x...
RADFORD D. HASTINGS xxx-xx-x...
BRUCE T. HILGARTNER xxx-xx-x...
LESTER B. HOPKINS xxx-xx-xx...
JERRY G. JAMISON xxx-xx-xx...
RICHARD B. JAQUES xxx-xx-x...
MICHAEL P. JONES xxx-xx-xx...
DARREN S. JUMP xxx-xx-xx...
SCOTT H. KENDRICKS xxx-xx-x...
GREGORY F. KLEINE xxx-xx-xx...
MICHAEL K. KOZIK xxx-xx-x...
DANIEL J. LECCE xxx-xx-xx...
ALAN D. LECLERC xxx-xx-x...
CHRISTOPHER D. LEE xxx-xx-xx...
TODD L. LEHFELDT xxx-xx-xx...
TODD L. LLOYD xxx-xx-x...
EARL LOWERY, JR xxx-xx-xx...
ROBERT D. LOYND xxx-xx-x...
MATTHEW P. LUTZ xxx-xx-x...
DOUGLAS J. MACKENZIE xxx-xx-x...
JAMES P. MCDERMOTT xxx-xx-x...
BRIAN R. MCINTYRE xxx-xx-x...
JOSEPH A. MICHALEK, III xxx-xx-xx...
RICHARD O. MILES, JR xxx-xx-xx...
KURT L. MILLER xxx-xx-xx...
ROBERT M. MILLER xxx-xx-x...
JEFFERY M. MONIZ xxx-xx-xx...
BOBBY A. MOSLEY xxx-xx-x...
DANIEL E. MURNER xxx-xx-x...
MICHAEL A. OHALLORAN xxx-xx-x...
DANIEL G. PURCELL xxx-xx-xx...
MICHAEL C. REILLY xxx-xx-x...
LAMONT W. RHONDEAU xxx-xx-x...
PATRICK R. RINK xxx-xx-xx...
THOMAS M. ROBERTSON xxx-xx-x...
CHRISTOPHER P. ROUSSEY xxx-xx-xx...
LORI M. SAFRIT xxx-xx-xx...
DOUGLAS L. SAMPSON xxx-xx-x...
MICHAEL L. SAUNDERS xxx-xx-x...
PETER H. SENNETT xxx-xx-xx...
SHANNON A. SHY xxx-xx-x...
THOMAS G. SMYTH xxx-xx-x...
MICHAEL T. SOLARI xxx-xx-xx...
WENDY A. STEWART xxx-xx-x...
CHARLES W. STUBBS xxx-xx-x...
MARK A. TAYLOR xxx-xx-x...
GREGORY M. TOLLIVER xxx-xx-xx...
HECTOR J. VELEZ xxx-xx-xx...
JIMMY D. WALLACE, II xxx-xx-x...
LARRY W. WEIDNER, II xxx-xx-x...
WILLIAM J. WEISS, JR xxx-xx-xx...
EDWARD C. WILLIAMS xxx-xx-x...
HENRY B. WILLIAMSON xxx-xx-x...
DAN B. WILLIS xxx-xx-x...
ANTHONY L. WINTERS xxx-xx-x...
ERIK M. WOLF xxx-xx-x...
WALTER W. WRIGHT xxx-xx-x...

To be first lieutenant

JAMES N. ADAMS xxx-xx-xx...
JULIAN D. ALFORD xxx-xx-xx...
GINO P. AMOROSO xxx-xx-x...
STEVEN J. ANDERSON xxx-xx-xx...
WALTER T. ANDERSON xxx-xx-x...
GLENN R. ARMAGOST xxx-xx-x...
SOREN P. ASHMALL xxx-xx-xx...
EUGENE M. AUGUSTINE, JR xxx-xx-xx...
BRUCE W. BARNHILL xxx-xx-x...
JOHN W. BATEMAN xxx-xx-x...
TERRANCE A. BEATTY xxx-xx-xx...
PETER G. BLACKWELL xxx-xx-xx...
BRIAN J. BLANCHARD xxx-xx-x...
DAVID J. BLIGH xxx-xx-x...
PATRICK S. BLUMBAUGH xxx-xx-x...
MICHAEL S. BODKIN xxx-xx-x...
GREGORY A. BRANIGAN xxx-xx-x...
ROBERT P. BRYANT xxx-xx-xx...
PETER D. BUCK xxx-xx-x...
STEVEN L. BUCKLEY xxx-xx-x...
RICKY A. BURGESS xxx-xx-x...
SCOTT A. BURK xxx-xx-x...
DENNIS T. BURKE xxx-xx-x...
ROBERT C. BURNS xxx-xx-x...
THEODORE E. CALDWELL, JR xxx-xx-xx...
RICHARD J. CAPITAN xxx-xx-xx...
WAYNE A. CARDONI, JR xxx-xx-x...
PATRICK B. CASEY xxx-xx-x...
ANDREW S. CAUTHEN xxx-xx-x...
DANIEL J. CERNIGLIA xxx-xx-xx...
JEFFREY R. CHESSAN xxx-xx-xx...
WILLIAM J. CONLEY, JR xxx-xx-xx...
MARK E. COSTELLO xxx-xx-x...
CHRISTOPHER J. CROTEAU xxx-xx-xx...
ROBERT H. DAHLA xxx-xx-x...
JOHN M. DANTIC xxx-xx-x...
SCOTT D. DAVIS xxx-xx-x...
DARRIN DENNY xxx-xx-x...
FRANCIS L. DONOVAN xxx-xx-x...
CHRISTOPHER S. DOWLING xxx-xx-x...
LY T. DRUMMOND xxx-xx-x...
JEFFREY W. DUKES xxx-xx-x...
BLANE D. DYE xxx-xx-x...
KIRK S. EBBS xxx-xx-x...
KENNETH E. ENNEY, JR xxx-xx-xx...
TODD L. ERLINGER xxx-xx-xx...
ROBB P. ETNYRE xxx-xx-xx...
DAVID G. FISCHER xxx-xx-x...
ROBIN A. GALLANT xxx-xx-x...
JOSEPH E. GEORGE xxx-xx-xx...
ROBERT L. GLENDENING xxx-xx-x...
JOSEPH P. GRANATA xxx-xx-x...
ANTHONY P. GRAVES BUCKINGHAM xxx-xx-x...
PAUL D. GREATSINGER xxx-xx-xx...
MARK L. GRISSOM xxx-xx-x...
CHRIS M. GROOMS xxx-xx-x...
CHARLES J. GUMMOW xxx-xx-x...
DONALD K. HANSEN xxx-xx-x...
BLAISE D. HARDING xxx-xx-x...
JORDAN W. HARDING xxx-xx-x...
DAVID E. HARMAN xxx-xx-x...
THOMAS P. HAWKINS xxx-xx-x...
TIMOTHY M. HEATHERMAN xxx-xx-x...
STUART B. HELGESON xxx-xx-xx...
PAUL V. HICKEY xxx-xx-x...
JEFFREY M. HINES xxx-xx-xx...
MARK R. HOLLAHAN xxx-xx-x...
JAMES G. HORTON xxx-xx-x...
SCOTT A. HUELSE xxx-xx-x...
KIMBERLY A. HUNTER xxx-xx-xx...
MICHAEL A. HUNTER xxx-xx-x...
VINCENT M. HUTCHERSON xxx-xx-x...
RICHARD G. JETHON xxx-xx-x...
BRIAN T. JOSTEN xxx-xx-xx...
WILLIAM M. JURNEY xxx-xx-xx...
DUFF G. KELLY xxx-xx-xx...
MARK A. KOCKLER xxx-xx-x...
DAVID P. KRIZOV xxx-xx-x...
JAMES F. KROMBERG xxx-xx-xx...
ROD M. KRUTULIS xxx-xx-x...
CHRIS D. LANDRY xxx-xx-x...
ROBERT M. LEMBKE xxx-xx-x...
JAMES J. LENEGHAN xxx-xx-xx...
STEPHEN B. LEWALLEN, JR xxx-xx-xx...

STEVEN G. LIGHTFOOT xxx-xx-x...
PAUL K. LITTLE, II xxx-xx-xx...
MARCO B. LLOYD xxx-xx-x...
JON A. MACCARTNEY xxx-xx-x...
HECTOR C. MARCAYDA xxx-xx-x...
JOHN F. MARCHILDON xxx-xx-x...
REY Q. MASINSIN xxx-xx-x...
WHITNEY MASON xxx-xx-x...
KEVIN F. MCCRAY xxx-xx-x...
DANIEL J. MCGOUGH xxx-xx-x...
BRYAN D. MCKINNEY xxx-xx-x...
ROBERT J. MEAGHER, JR xxx-xx-xx...
KEVIN G. MECHLER xxx-xx-x...
REID K. MERRILL xxx-xx-x...
MICHAEL S. MILLER xxx-xx-x...
RONALD D. MILLS xxx-xx-x...
JAMES J. MINICK xxx-xx-xx...
STEVEN J. MULLEN xxx-xx-xx...
STEPHEN M. MURRAY xxx-xx-x...
JOHN K. NATHAN xxx-xx-x...
JOHN D. NESBIT xxx-xx-x...
CRAIG W. NORDLIE xxx-xx-x...
MICHAEL R. NORFLEET xxx-xx-x...
EDWIN V. ODISHO, II xxx-xx-x...
JAMES L. PARKER xxx-xx-xx...
CRAIG B. PENROSE xxx-xx-x...
PAUL A. POND xxx-xx-x...
EDWARD F. RAMSEY xxx-xx-x...
STEPHEN E. REYNOLDS xxx-xx-xx...
ROD D. ROBISON xxx-xx-x...
KEITH W. ROLEFF xxx-xx-x...
JOHN F. SCHEINOST xxx-xx-x...
PATRICK H. SCHOLES xxx-xx-x...
LEE F. SCHRAM xxx-xx-x...
DOUGLAS J. SCOTT xxx-xx-x...
JON E. SHEARER xxx-xx-x...
RICHARD F. SHEEHAN, JR xxx-xx-xx...
SUZETTE A. SHIJE xxx-xx-xx...
RICHARD N. SHIZURU xxx-xx-x...
CHRISTOPHER J. SILL xxx-xx-xx...
GREGORY L. SIMMONS xxx-xx-x...
JEFFREY S. SMALL xxx-xx-xx...
BRIAN K. SMALLWOOD xxx-xx-x...
MILTON J. STATON xxx-xx-x...
JOHN C. STEVE xxx-xx-x...
JAMES B. STOPA xxx-xx-xx...
RONALD J. STRICKLAND xxx-xx-x...
MIKEL E. STROUD xxx-xx-x...
SAMUEL T. STUDDARD xxx-xx-x...
YVETTE L. SUTTEN xxx-xx-x...
MICHAEL M. SWEENEY xxx-xx-x...
MICHAEL E. SWEITZER xxx-xx-x...
TRACY J. TAFOLLA xxx-xx-x...
JEFFERSON D. TANT, IV xxx-xx-xx...
RONALD S. THORNTON, JR xxx-xx-x...
PHILIP A. TORRETTI, II xxx-xx-x...
DOUGLAS E. TRENT xxx-xx-x...
SCOTT W. VANZANDBERGEN xxx-xx-x...
SCOTT A. WALKER xxx-xx-x...
THOMAS J. WALSH, JR xxx-xx-x...
THOMAS D. WEIDLEY xxx-xx-x...
ROBERT L. WELBORN xxx-xx-x...
WILFRED V. WEST, IV xxx-xx-x...
BRIAN D. WHETSTONE xxx-xx-x...
MARK E. WINN xxx-xx-x...
JUSTIN M. WISDOM xxx-xx-x...
MARK A. WORKMAN xxx-xx-x...
MICHAEL H. YAROMA, JR xxx-xx-x...
NICKEY F. YATES xxx-xx-x...
WILLIAM S. ZAROSINSKI xxx-xx-x...
PHILIP J. ZIMMERMAN xxx-xx-xx...

To be second lieutenant

KEVIN P. COLLINS xxx-xx-x...
ROSS D. HETTIGER xxx-xx-x...
JOSEPH P. JESSEN xxx-xx-xx...
LAWRENCE M. LANDON xxx-xx-x...
THOMAS A. SCHELLIN xxx-xx-x...
ROGER D. STANDFIELD xxx-xx-x...
RALSTON W. STEENROD, III xxx-xx-x...

THE FOLLOWING NAMED LIMITED DUTY OFFICERS OF THE REGULAR MARINE CORPS FOR APPOINTMENT AND DESIGNATION AS UNRESTRICTED OFFICERS IN THE REGULAR MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589:

To be major

MICHAEL J. COOPER xxx-xx-x...

To be captain

FRANCIS E. CROUCHER xxx-xx-x...
DANIEL F. CROWL xxx-xx-x...

To be first lieutenant

DANNY J. BURK xxx-xx-x...
ANTONIO COLMENARES xxx-xx-x...
WILLIAM G. COSTA xxx-xx-x...
ANTHONY C. CRUZ xxx-xx-x...
GARY L. DIXON xxx-xx-x...
GEORGE J. GREEN xxx-xx-x...
THOMAS W. HEASLEY xxx-xx-x...
THOMAS D. IGNELZI xxx-xx-x...
SCOTT A. KERR xxx-xx-x...
JAMES P. RETHWISCH xxx-xx-xx...
JEFFREY A. RIPA xxx-xx-x...
STANLEY M. SLUPSKI xxx-xx-xx...
CRAIG E. STEPHENS xxx-xx-xx...
PHILLIP W. WOODY xxx-xx-x...